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## **THE ROLE OF INTERNATIONAL CRIMINAL COURT IN DEFENSE OF HUMAN RIGHTS**

During the last century millions of children, men and women became the victims of the worst atrocities that threatened world peace, security and prosperity. These grave crimes must be proceeded and punished by national judges and international cooperation activity. The International Criminal Court may exercise jurisdiction over the most serious crimes and supplements national organs of criminal jurisdiction in struggle against such crimes.

The International Criminal Court was established by the Rome Statute of the International Criminal Court, so called because it was adopted in Rome, Italy on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court.

The aims of International Criminal Court are: to prevent crimes, to prompt national justice organs to take guilty to court, to give the victims and relatives an opportunity to obtain justice.

The Rome Statute provides that Court may exercise jurisdiction over next crimes:

- a) genocide;
- b) crimes against humanity;
- c) war crimes;
- d) crimes of aggression.

These crimes are defined in detail in the Rome Statute. In addition, a supplementary text of the “Elements of Crimes” provides a breakdown of the elements of each crime. Article 11 of Statute provides that Court may exercise jurisdiction only over crimes committed after that Statute entered into force. The Court does not have universal jurisdiction. The Court may only exercise jurisdiction if:

- The accused is a national of a State Party or a State otherwise accepting the jurisdiction of the Court;
- The crime took place on the territory of a State Party or a State otherwise accepting the jurisdiction of the Court;
- The United Nations Security Council has referred the situation to the Prosecutor, irrespective of the nationality of the accused or the location of the crime.

The Prosecutor evaluates the available information and commences an investigation unless he determines there is no reasonable basis to proceed. The Prosecutor may also begin an investigation on his own initiative. If the Prosecutor concludes there is a reasonable basis to proceed with an investigation, he asks a Pre-Trial Chamber to authorize an investigation. The Pre-Trial Chamber is responsible for the judicial aspects of proceedings. This Chamber, on the

application of the Prosecutor, may issue a warrant of arrest or a summons to appear if there are reasonable grounds to believe a person has committed a crime within the jurisdiction of the Court. The Trial Chamber is responsible for conducting fair and expeditious proceedings with full respect for the rights of the accused. Upon conclusion of the proceedings, the Trial Chamber issues its decision, acquitting or convicting the accused. Throughout the Pre-Trial and Trial phases, the accused, the Prosecutor or a concerned State may appeal decisions of the Chambers as specified by the Statute. All appeals are decided by the Appeals Chamber of five judges.

In all of its activities, the Court relies on international cooperation. International organizations also provide important support to the Court. Foremost among these is the United Nations. On 4 October 2004, the President of the ICC Philippe Kirsch and the Secretary-General of the United Nations Kofi Annan concluded the Negotiated Relationship Agreement between the International Criminal Court and the United Nations. This Agreement provides for institutional relations, cooperation and judicial assistance between the Court and the United Nations while reaffirming the independence of the Court.

Ukraine as many others States Parties joined to the Agreement of privileges and immunities of the International Criminal Court adopted on 10 September 2002 in New-York. On 18 October 2006 a law “About Ukraine’s joining to the Agreement of privileges and immunities of the International Criminal Court” was adopted by ‘Verhovna Rada’.

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