Table of Contents

Table of Cases		XV
Table of Instruments of the International Criminal Court		lxv
Table of International Instruments		lxxxiii
Abbreviations		lxxxix
Historical Int	troduction	1
PREAMBL	F	29
TREMIDE		2)
PART 1. E	STABLISHMENT OF THE COURT	
Article 1.	The Court	61
Article 2.	Relationship of the Court with the United Nations	67
Article 3.	Seat of the Court	92
Article 4.	Legal status and powers of the Court	102
PART 2. I	URISDICTION, ADMISSIBILITY,	
	AND APPLICABLE LAW	
Article 5.	Crimes within the jurisdiction of the Court	111
Article 6.	Genocide	124
Article 7.	Crimes against humanity	145
Article 8.	War crimes	213
Article 8bis.	Crime of aggression	301
Article 9.	Elements of Crimes	322
Article 10.		334
Article 11.	Jurisdiction ratione temporis	339
Article 12.	Preconditions to the exercise of jurisdiction	344
Article 13.	Exercise of jurisdiction	367
Article 14.	Referral of a situation by a State Party	382
Article 15.	Prosecutor	393
Article 15bis.	Exercise of jurisdiction over the crime of aggression	
	(State referral, proprio motu)	410
Article 15ter.	Exercise of jurisdiction over the crime of aggression	
	(Security Council referral)	427
Article 16.	Deferral of investigation or prosecution	433
Article 17.	Issues of admissibility	446
Article 18.	Preliminary rulings regarding admissibility	474

Article 19.	Challenges to the jurisdiction of the Court or the admissibility of a case	483
Article 20.	Ne bis in idem	502
Article 21.	Applicable law	511
PART 3.	GENERAL PRINCIPLES OF CRIMINAL LAW	
Article 22.	Nullum crimen sine lege	539
Article 23.	Nulla poena sine lege	550
Article 24.	Non-retroactivity ratione personae	555
Article 25.	Individual criminal responsibility	559
Article 26.	Exclusion of jurisdiction over persons under 18	591
Article 27.	Irrelevance of official capacity	594
Article 28.	Responsibility of commanders and other superiors	607
Article 29.	Non-applicability of statute of limitations	620
Article 30.	Mental element	626
Article 31.	Grounds for excluding criminal responsibility	635
Article 32.	Mistake of fact or mistake of law	655
Article 33.	Superior orders and prescription of law	663
A: -1 - 2 /	OF THE COURT	675
Article 34.		678
Article 35.	Service of judges	683
Article 36.		696
Article 37.	Judicial vacancies	700
Article 38.	The Presidency	711
Article 39.	Chambers	723
Article 40.	1	728
Article 41.	6	736
Article 42.		750
Article 45. Article 44.	8	764
Article 44.		771
Article 45.	The state of the s	773
Article 46.		780
Article 47.		784
Article 48.		793
Article 49.		801
Article 50.	1 - 1	810
Article 52.	The state of the s	821

1193

PART 5.	INVESTIGATION AND PROSECUTION	
Article 53.	Initiation of an investigation	827
Article 54.	Duties and powers of the Prosecutor with respect	
	to investigations	846
Article 55.	Rights of persons during an investigation	860
Article 56.	Role of the Pre-Trial Chamber in relation to	
	a unique investigative opportunity	869
Article 57.	Functions and powers of the Pre-Trial Chamber	877
Article 58.	Issuance by the Pre-Trial Chamber of a warrant	
	of arrest or a summons to appear	886
Article 59.	Arrest proceedings in the custodial State	902
Article 60.	Initial proceedings before the Court	910
Article 61.	Confirmation of the charges before trial	923
PART 6.	THE TRIAL	
Article 62.	Place of trial	951
Article 63.	Trial in the presence of the accused	957
Article 64.	Functions and powers of the Trial Chamber	973
Article 65.	Proceedings on an admission of guilt	994
Article 66.	Presumption of innocence	1002
Article 67.	Rights of the accused	1016
Article 68.	Protection of the victims and witnesses	
	and their participation in the proceedings	1054
Article 69.	Evidence	1077
Article 70.	Offences against the administration of justice	1099
Article 71.	Sanctions for misconduct before the Court	1111
Article 72.	Protection of national security information	1115
Article 73.	Third party information or documents	1125
Article 74.	Requirements for the decision	1128
Article 75.	Reparations to victims	1136
Article 76.	Sentencing	1147
DADT 7	DENIALTIEC	
raki /. I	PENALTIES	
Article 77.	Applicable penalties	1155
Article 78.	Determination of the sentence	1163
Article 79.	Trust Fund	1182

Non-prejudice to national application of penalties

and national laws

Article 80.

PART 8. APPEAL AND REVISION

Article 81.	Appeal against decision of acquittal or conviction	
	or against sentence	1207
Article 82.	Appeal against other decisions	1221
Article 83.	Proceedings on appeal	1238
Article 84.	Revision of conviction or sentence	1249
Article 85.	Compensation to an arrested or convicted person	1256
PART 9. I	NTERNATIONAL COOPERATION	
- A	AND JUDICIAL ASSISTANCE	
Article 86.	General obligation to cooperate	1265
Article 87.	Requests for cooperation: general provisions	1271
Article 88.	Availability of procedures under national law	1280
Article 89.	Surrender of persons to the Court	1288
Article 90.	Competing requests	1297
Article 91.	Contents of request for arrest and surrender	1304
Article 92.	Provisional arrest	1308
Article 93.	Other forms of cooperation	1312
Article 94.	Postponement of execution of a request in respect	
	of ongoing investigation or prosecution	1328
Article 95.	Postponement of execution of a request in respect	
	of an admissibility challenge	1331
Article 96.	Contents of request for other forms of assistance	
	under article 93	1335
Article 97.	Consultations	1338
Article 98.	Cooperation with respect to waiver of immunity	
	and consent to surrender	1342
Article 99.	Execution of requests under articles 93 and 96	1354
Article 100.	Costs	1359
Article 101.	Rule of speciality	1362
Article 102.	Use of terms	1367
PART 10.	ENFORCEMENT	
Article 103.	Role of States in enforcement of sentences	
	of imprisonment	1373
Article 104.	Change in designation of State of enforcement	1386
Article 105.	Enforcement of the sentence	1388
Article 106.	Supervision of enforcement of sentences	
	and conditions of imprisonment	1391

	Table of Contents	xiii
Article 107. Article 108.	Transfer of the person upon completion of sentence Limitation on the prosecution or punishment	1395
Article 109. Article 110.	of other offences Enforcement of fines and forfeiture measures Review by the Court concerning reduction of sentence	1400 1406 1412
Article 111. PART 11.	ASSEMBLY OF STATES PARTIES	1425
Article 112.	Assembly of States Parties	1431
PART 12.	FINANCING	
Article 113.	Financial Regulations	1457
Article 114.	Payment of expenses	1461
Article 115.	Funds of the Court and of the Assembly of States Parties	1464
Article 116.	Voluntary contributions	1470
Article 117.	Assessment of contributions	1473
Article 118.	Annual audit	1476
PART 13.	FINAL CLAUSES	
Article 119.	Settlement of disputes	1481
Article 120.	Reservations	1489
Article 121.	Amendments	1498
Article 122.	Amendments to provisions of an institutional nature	1509
Article 123.	Review of the Statute	1512
Article 124.	Transitional provision	1518
Article 125.	Signature, ratification, acceptance, approval,	
	or accession	1522
Article 126.	Entry into force	1530
Article 127.	Withdrawal	1534
Article 128.	Authentic texts	1537

1541

Index