



# The Jurisdiction of the International Criminal Court (ICC)

**The ICC's Subject-Matter Jurisdiction.** The ICC is authorized to prosecute and try individuals for **4** crimes deemed to be the most serious crimes of concern to the international community as a whole.



## Genocide

The committing of certain acts with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, including killing members of the group; deliberately inflicting on the group conditions of life to bring about its physical destruction in whole or in part; and forcibly transferring children of the group.



## Crimes Against Humanity

The committing of certain acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, including murder, enslavement, forcible transfer of population, torture, rape, enforced disappearance, and other inhumane acts of a similar character intentionally causing great suffering.



## War Crimes

Serious violations of the laws and customs applicable in armed conflicts, including the willful killing of civilians and other noncombatants; intentionally directing attacks against the civilian population or civil objects; rape; and intentionally using starvation of civilians as a method of warfare, such as by depriving them of relief supplies.



## Crime of Aggression

The planning, preparation, initiation, or execution by a person able to exercise control over the political or military action of a State, of the use of armed force against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations.

## 3 Ways to Trigger an ICC Investigation

1

### State Party

A state party to the Rome Statute refers to the Prosecutor a situation in which one or more crimes appear to have been committed.

2

### ICC Prosecutor

The ICC Prosecutor initiates an investigation *proprio motu*—i.e., on the Prosecutor's own initiative—on the basis of information received regarding allegations of the commission of Rome Statute crimes.

3

### Security Council

The Security Council refers a situation to the ICC Prosecutor pursuant to the Council's authority under Chapter VII of the U.N. Charter to take measures in response to what the Council determines is a threat to the peace, breach of the peace, or act of aggression.

**The reach of the ICC's jurisdiction depends on the crime alleged:**



### Genocide, Crimes Against Humanity & War Crimes

The ICC has jurisdiction if:

The crime was allegedly committed by a national of or on the territory of a state party to the Rome Statute.

The crime was allegedly committed by a national of or on the territory of a non-state party that has accepted the ICC's jurisdiction.



### Crime of Aggression

The ICC has jurisdiction if the alleged crime was committed by a national of or on the territory of a state party AND that party has not opted out of the ICC's jurisdiction over the crime of aggression.\*

*\*The Rome Statute prohibits the ICC from exercising jurisdiction over alleged crimes of aggression committed by the national of or on the territory of a non-party state.*



### Jurisdiction

The ICC has jurisdiction over **all four Rome Statute crimes**, including the crime of aggression, regardless of where the alleged crime occurred or the nationality of the alleged offender, pursuant to the terms of a Security Council referral.

## AN EXAMPLE OF ICC Jurisdiction in Practice

### ICC Prosecutor's Investigation of Rome Statute Crimes Allegedly Committed in Ukrainian Territory

#### Jurisdiction

The ICC has jurisdiction to investigate genocide, crimes against humanity, and war crimes committed by the nationals of either party to the Russia-Ukraine conflict on Ukrainian territory because:

- ▶ several state parties to the Rome Statute referred the Ukraine situation to the ICC Prosecutor, and
- ▶ Ukraine has accepted the ICC's jurisdiction for that purpose.

#### No Jurisdiction

The ICC has no jurisdiction over the alleged commission of the crime of aggression by Russian nationals against Ukraine because:

- ▶ Russia is neither a party to the Rome Statute nor has accepted the ICC's jurisdiction, and
- ▶ the Security Council has not referred the situation to the ICC Prosecutor. (*Russia's veto power as a permanent Council member effectively precludes that jurisdictional avenue.*)



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For more information, see CRS Report R48004, *The International Court of Justice and the International Criminal Court: A Primer*, by Karen Sokol (2024), [www.crs.gov/Reports/R48004](https://www.crs.gov/Reports/R48004), and Rome Statute of the International Criminal Court, [www.icc-cpi.int/sites/default/files/Publications/Rome-Statute.pdf](https://www.icc-cpi.int/sites/default/files/Publications/Rome-Statute.pdf).



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