

## CICR

### Complementary jurisdiction of the ICC : a method to ensure effective prosecution of perpetrators of the most serious crimes / Mostafa Hosain

Document type:	Article
Title:	Complementary jurisdiction of the ICC : a method to ensure effective prosecution of perpetrators of the most serious crimes
Author zone:	Mostafa Hosain
Host item entries:	ISIL yearbook of international humanitarian and refugee law,
Languages:	English
Abstract:	<p>International Criminal Court (ICC) was established by international community in order to ensure effective prosecution of perpetrators of most serious crimes in order to end impunity. Wherever these crimes are committed, it deeply shocks the conscience of humanity and threats to significant challenge for the ICC was to maintain the balance between State sovereignty and the jurisdiction of the ICC. In such juncture, complementarity system was installed to keep the balance by firstly prioritizing domestic prosecution and in case of failure of such ; the ICC is kept as safety net so that impunity in no way is continued. Many questions have been put forward since the establishment of the ICC and many challenges are posed in the functioning of complementarity mechanism. One of the whole complementarity loop is to consider the status of domestic amnesty within the ICC system. The Rome Statute mechanisms as to whether such situation falls under the category of either "unwillingness" or "inability" on the part of the State. This lacuna can be determined by interpreting words of Article 17 of the Statute and looking into the purpose of the Roma Statute. Although it has been viewed that in the long run, the practice of the ICC will provide answers to all such complex issues which will take time for this new institution and hence before the ICC dealing all possible ways so that the ICC may take recourse to such interpretations.</p>
Authors:	Hosain, Mostafa
Keyword in English:	INTERNATIONAL CRIMINAL COURT JURISDICTION AMNESTY
Keyword in French:	COUR PENALE INTERNATIONALE JURIDICTION AMNISTIE
Go to:	ISIL yearbook of international humanitarian and refugee law / THE INDIAN SOCIETY OF INTERNATIONAL LAW ISIL yearbook of international humanitarian and refugee law [Vol. 11, 2011] / THE INDIAN SOCIETY OF INTERNATIONAL LAW