

Harmonizing Global Peace and Security: The Evolving Role of the ICC

Md Mahbubur Rahman

PhD in Law

Email: mahbubsinfo[at]gmail.com

Abstract: *The International Criminal Court (ICC), established under the auspices of the Rome Statute, is critical in prosecuting crimes that threaten global peace and security. The Vienna Convention on the Law of Treaties provides a crucial interpretative framework for understanding and applying international legal instruments. This article explores how interpretative principles from Articles 31 and 32 of the Vienna Convention influence the ICC's jurisdiction, admissibility standards, and discretion in prosecutorial practices. This paper evaluates the practical application of treaty interpretation in complex political contexts by using case studies such as the ICC's investigations in Ukraine (2022–2025 Russian invasion), Sudan (Darfur crisis), and Palestine (Gaza and the West Bank) environments (ICC, 2023).^[1] Methodologically, this study utilizes doctrinal legal analysis, complemented by interpretive case study evaluation, to examine primary legal texts, ICC jurisprudence, and scholarly commentary. It argues that a coherent and principled approach to interpretation strengthens the legitimacy and legal consistency of the Court's decisions, enhancing its ability to function effectively within a fragmented and geopolitically charged international legal system order (Schabas, 2016).^[2] Finally, it reflects on how the Vienna Convention can function as a legal tool and a shield against accusations of judicial overreach.*

Keywords: International Criminal Court (ICC), Rome Statute, Vienna Convention on the Law of Treaties, Treaty Interpretation, Global Peace and Security

1. Introduction

The founding of the ICC was a crucial turning point in the development of international criminal justice. Serving as a permanent court tasked with prosecuting individuals for the most serious offenses—genocide, crimes against humanity, war crimes, and crimes of aggression—the ICC signifies a significant step forward in establishing a rules-based international system. At the heart of its authority lies the Rome Statute, the treaty that creates the Court while outlining its jurisdiction and procedural guidelines. However, the Rome Statute is not independent. Its interpretation and application are intrinsically linked to general international law, particularly the Vienna Convention on the Law of Treaties (1969), which offers the guiding framework for interpreting international agreements.

This article critically examines the role of the ICC by positioning it at the intersection of these two foundational legal instruments. While the Rome Statute outlines the substantive and procedural mechanisms through which the ICC operates, the Vienna Convention provides the interpretive tools necessary for understanding, applying, and contesting these provisions. Given the contentious nature of international criminal law, where legal norms intersect with political realities, the principles of treaty interpretation are fundamental in determining the scope and legitimacy of the Court's actions. The article also evaluates the ICC's operations in real-world contexts through selected case studies, demonstrating how treaty interpretation has influenced decisions regarding jurisdiction, state cooperation, and admissibility. It further explores the tension between state sovereignty and international accountability, a theme that underpins many of the ICC's most controversial decisions.

2. Literature Survey

The ICC, established by the Rome Statute (United Nations, 1998), has encountered challenges regarding its legitimacy and impartiality. Schabas (2016) points out that although the Court aims to eliminate impunity, its efficiency is limited by its jurisdiction and the need for state cooperation. Villiger (2009) emphasizes that the interpretation of treaties under the Vienna Convention must align with their intended goals. Gaeta (2020) and Bosco (2014) argue that geopolitical pressures and selective enforcement undermine the ICC's credibility, while Akande (2014) critiques the Security Council's influence on ICC referrals.

This article builds on these criticisms, suggesting that the ICC's recent decisions, particularly concerning Ukraine, Palestine, and Sudan, demonstrate evolving jurisprudence. By adopting a harmonized approach under the Rome Statute and the Vienna Convention, the Court can strengthen its role in fostering global peace and ensuring legal accountability.

3. Problem Definition

Although the Rome Statute founded the ICC to hold perpetrators accountable for serious international offenses, its effectiveness is often questioned, especially in politically delicate contexts. A major legal hurdle lies in understanding and implementing its jurisdiction and admissibility standards, particularly when cases relate to state sovereignty and geopolitical considerations (Schabas, 2016).^[3] The Vienna Convention on the Law of Treaties, specifically Articles 31 and 32, provides essential guidance for interpreting treaties. However, the ICC's application of these interpretive norms has varied inconsistently across different contexts (Villiger, 2009).^[4] The lack of a coherent and standardized interpretative approach undermines the legitimacy and perceived neutrality of the Court's decisions, raising questions

about its ability to promote global peace and justice through a consistent application of international legal principles (Gaeta, 2020).^[5]

4. Methodology / Approach

This study uses doctrinal legal research to analyze primary legal texts like the Rome Statute and the Vienna Convention on the Law of Treaties. It includes case-based interpretive analysis of ICC jurisprudence and relevant literature. This dual method examines the application of treaty interpretation principles in legal decisions concerning Ukraine, Sudan, and Palestine.

5. Results & Discussion

5.1 Background: The Rome Statute and the Vienna Convention

The Rome Statute, adopted in 1998 and entering into force in 2002, serves as the founding treaty of the International Criminal Court. It establishes the Court's jurisdiction over four core crimes: genocide, crimes against humanity, war crimes, and crimes of aggression (Rome Statute, 1998).^[6] The Statute outlines the procedural rules governing investigations, prosecutions, and trials and provides mechanisms for state cooperation and the rights of victims and the accused. With over 120 State Parties, the Rome Statute has become a central instrument in international criminal law.

In addition to the Rome Statute, the Vienna Convention on the Law of Treaties (1969) plays a crucial role in shaping the ICC's interpretive framework. The Vienna Convention codifies the customary rules governing treaties' creation, interpretation, and termination. Articles 31 and 32 are essential, providing general rules for treaty interpretation. Article 31 emphasizes the ordinary meaning of treaty terms within their context and in light of the treaty's object and purpose. At the same time, Article 32 allows for supplementary means of interpretation, such as preparatory work and the circumstances surrounding the treaty's conclusion, in instances of ambiguity or manifestly absurd results (Vienna Convention, 1969).^[7]

As a treaty-based institution, the ICC must adhere to these interpretive principles when resolving legal disputes and determining the scope of its powers. This is particularly significant because the Rome Statute is often silent or ambiguous on critical matters such as state cooperation, jurisdictional reach, and procedural discretion. The Vienna Convention thus provides a normative framework for consistently and legally sound resolutions of such gaps and ambiguities. Moreover, the relationship between the Rome Statute and the Vienna Convention raises broader questions about the unity and fragmentation of international law. While the ICC operates within its specific legal framework, it remains bound by general international legal principles. The Court's ability to reference the Vienna Convention enables it to enhance the legitimacy and coherence of its jurisprudence, particularly in the face of political contestation and state pushback.

5.2 Jurisdiction and Function of the ICC

The jurisdiction of the International Criminal Court (ICC) is defined across three primary dimensions: subject matter, territorial or personal scope, and temporal limits. First, the subject-matter jurisdiction (*ratione materiae*) is outlined in Articles 5 to 8 of the Rome Statute, which define the core international crimes under the Court's mandate: genocide, crimes against humanity, war crimes, and the crime of aggression. Second, the territorial and personal jurisdiction (*ratione loci* and *ratione personae*) is governed by Article 12, which requires that either the State where the alleged crime occurred or the State of nationality of the accused be a party to the Statute, or have accepted the Court's jurisdiction. Lastly, the temporal jurisdiction (*ratione temporis*) is defined in Article 11, which limits the Court's authority to crimes committed after the entry into force of the Statute on 1 July 2002, unless a State has made a declaration under Article 12(3) accepting jurisdiction retroactively.

The ICC's jurisdiction is activated through three pathways in the Rome Statute. First, under Article 13(a), a State Party can refer a situation with alleged crimes to the Prosecutor. Second, according to Article 13(b) and Chapter VII of the UN Charter, the UN Security Council can refer situations involving non-State Parties. Third, under Article 13(c) and Article 15, the Prosecutor can initiate an investigation *proprio motu* (on one's own motion) based on received information, subject to Pre-Trial Chamber authorization. This structure allows the ICC to address serious international crimes in politically sensitive or stateless contexts (Rome Statute, 1998).^[8]

5.3 Territorial and Personal Jurisdiction

The ICC's territorial jurisdiction extends to crimes committed on the territory of a State Party or by its nationals, irrespective of where the crime occurs. Furthermore, the Court can also exercise jurisdiction over non-state Parties when the Security Council refers a situation under Chapter VII of the UN Charter. This principle has been central to several contested cases.

A significant illustration of jurisdictional interpretation is the situation in Palestine. Following its accession to the Rome Statute in 2015, Palestine was accepted as a State Party. In response, the ICC Prosecutor opened a formal investigation into alleged war crimes committed in the West Bank, East Jerusalem, and Gaza. Despite ongoing debates about Palestine's statehood in broader international law, the Court's recognition was based on Palestine's accession and membership status under Article 12 of the Rome Statute, interpreted in conjunction with the object and purpose principle of the Vienna Convention on the Law of Treaties. This approach was further supported by the UN General Assembly's Resolution 67/19 (2012), which granted Palestine non-member observer State status, a key factor in legitimizing its treaty-making capacity and enabling ICC jurisdiction (UNGA, 2012).^[9]

In the case of **Ukraine**, although it is not a State Party, Ukraine lodged two Article 12(3) declarations accepting the ICC's jurisdiction for alleged crimes committed on its

territory since 2013. This paved the way for the ICC to open a full investigation into crimes related to the Euromaidan protests, the annexation of Crimea, and the 2022 full-scale invasion by Russia. The Court's issuance of an arrest warrant for Russian President Vladimir Putin in 2023 over the unlawful deportation of Ukrainian children marked a historic assertion of jurisdiction over a sitting head of state of a non-party country (ICC, 2023).^[10]

Similarly, in **Sudan**, the Security Council's 2005 referral of the Darfur situation enabled the ICC to investigate crimes committed during the conflict, even though Sudan was not a State Party. The Court indicted then-President Omar al-Bashir, though enforcement of the arrest warrant faced significant challenges due to non-cooperation by several states (UNSC Resolution 1593, 2005).^[11]

5.4 Functional Capacity and Limitations

While the Rome Statute provides robust legal authority, the ICC's functional capacity is limited by its reliance on state cooperation. The Court lacks a police force and depends on states to enforce arrest warrants, gather evidence, and protect witnesses. This reliance has led to criticisms of selectivity and ineffectiveness, particularly in politically sensitive situations (Bosco, 2014).^[12]

Moreover, the ICC's procedural design balances the protection of the rights of the accused with the assurance of accountability. This includes rigorous standards for admissibility and the principle of complementarity, which holds that the Court can act only when national jurisdictions are unwilling or unable to prosecute. (Rome Statute, Art. 17). Applying these jurisdictional principles, particularly in politically sensitive contexts like Palestine, Ukraine, and Sudan, illustrates how interpretations of its founding treaty continually shape the ICC's mandate by international legal standards such as those enshrined in the Vienna Convention.

5.5 Treaty Interpretation under the Vienna Convention

The Vienna Convention on the Law of Treaties (1969) is the primary framework for interpreting treaties in international law. For the International Criminal Court (ICC), which operates under the Rome Statute, a multilateral treaty, the principles of treaty interpretation outlined in Articles 31 and 32 of the Vienna Convention are crucial for guiding judicial reasoning and ensuring institutional legitimacy.

5.6 General Rule of Interpretation: Article 31

According to Article 31(1) of the Vienna Convention, a treaty must be interpreted in good faith, using the ordinary meaning of its terms within their context and considering the treaty's object and purpose (Vienna Convention, 1969, Art. 31). This comprehensive method prompts interpreters to examine the text while also taking into account its context, such as preambles, annexes, and pertinent instruments created by the parties. This provision has played a crucial role in the ICC's jurisprudence. For instance, in the Lubanga case, the Trial Chamber explored the definition of "conscripting or enlisting children under the age of fifteen" as stated in Article 8(2)(e)(vii) of the Rome Statute. By interpreting the ordinary

meaning in the context of the Statute's goal to prevent impunity for serious crimes, the Court supported an expansive view of enlistment and conscription (Prosecutor v. Thomas Lubanga Dyilo, 2012).^[13]

5.7 Supplementary Means of Interpretation: Article 32

Article 32 allows recourse to supplementary means of interpretation, such as preparatory work (*travaux préparatoires*) and the circumstances surrounding a treaty's conclusion, particularly when the text is ambiguous or leads to an absurd result. The ICC has employed this method in cases related to procedural rights and the scope of prosecutorial discretion. A notable example is the Kenyan situation, where the Prosecutor's request to open an investigation *proprio motu* was contested based on insufficient evidentiary standards. The Pre-Trial Chamber turned to the drafting history of the Rome Statute to clarify the intended threshold for opening such an investigation, reaffirming that reasonable justification, not full proof, was necessary at that stage (ICC Pre-Trial Chamber II, 2010).^[14]

5.8 Interpretive Approaches in Contested Jurisdiction

The ICC has also relied on Vienna Convention principles in politically sensitive contexts. For instance, in the Palestine situation, the Pre-Trial Chamber considered not just the text of Article 12 but also contextual elements, such as UN General Assembly Resolution 67/19 and the Assembly of States Parties' acceptance of Palestine's accession. By interpreting the Statute "in light of its object and purpose" to prevent impunity and ensure accountability, the Court validated its jurisdiction over the Palestinian territories despite the ongoing dispute over Palestinian statehood (ICC Pre-Trial Chamber I, 2021).^[15]

5.9 Evolutionary Interpretation

Though not explicitly mentioned in the Vienna Convention, the ICC sometimes embraces a teleological or evolutionary interpretation, wherein terms are understood to reflect the evolving nature of international norms. This approach is evident in the ongoing discussion about the crime of aggression, as the Court must reconcile the Statute's language with contemporary understandings of state use of force.

5.10 The ICC's Role in Practice: Case Studies

The ICC's actual performance in addressing international crimes highlights the challenges and achievements of a treaty-based criminal tribunal operating in a politically fragmented world. Through its case law and prosecutorial practices, the Court not only enforces the provisions of the Rome Statute but also tests the limits of its interpretive authority under the Vienna Convention. Selected case studies illustrate how the ICC navigates jurisdiction, state cooperation, and legal legitimacy issues.

5.11 Prosecutor v. Thomas Lubanga Dyilo (Democratic Republic of the Congo)

This landmark case marked the ICC's first conviction and established a critical legal precedent. Lubanga was found

guilty in 2012 of conscripting and enlisting children under the age of fifteen into armed groups, a war crime under Article 8 of the Rome Statute. The Court interpreted the Statute's provisions in light of its object and purpose, invoking Article 31 of the Vienna Convention to affirm the protective intent behind the provision (Prosecutor v. Lubanga, 2012). The judgment highlighted the ICC's role in shaping legal standards for child soldiers and emphasized the need for a purposive interpretation in line with humanitarian principles.

5.12 The Situation in Darfur, Sudan (Omar al-Bashir)

The 2005 referral of the Darfur situation by the UN Security Council under Resolution 1593 enabled the ICC to investigate and indict Sudanese President Omar al-Bashir for genocide, war crimes, and crimes against humanity. Although several ICC member states hosted Bashir during his travels, many declined to arrest him, citing conflicting obligations under customary international law and the Vienna Convention (Akande, 2014).^[16] The ICC held that state parties had a duty to comply with the arrest warrant under Article 27 of the Rome Statute, which removes immunity for heads of state. This case reveals the tension between treaty obligations, international comity, and political considerations.

5.13 The Situation in Palestine

In 2021, the Pre-Trial Chamber confirmed that the Court had territorial jurisdiction over the State of Palestine, which had acceded to the Rome Statute in 2015. The Court's decision relied on a combined reading of Articles 12 and 21 of the Rome Statute and Article 31 of the Vienna Convention, interpreting the treaty "in good faith" and in light of its object and purpose (ICC Pre-Trial Chamber I, 2021). Despite strong opposition from non-member states such as Israel and the United States, the ICC reaffirmed its interpretive autonomy in determining jurisdiction.

In a recent development, the ICC reaffirmed its jurisdiction over the situation in Palestine by rejecting Israel's legal challenges and authorizing arrest warrants for Israeli officials, including Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant. This decision underscores the Court's continued reliance on Palestine's State Party status under the Rome Statute. It highlights applying legal principles over political objections, further solidifying the ICC's position on territorial jurisdiction in contested areas (International Criminal Court [ICC], 2024).^[17]

5.14 The Situation in the Central African Republic (CAR)

The ICC has opened two investigations into crimes committed in CAR: one for crimes committed during the 2002–2003 conflict and another for crimes beginning in 2012. In the Ntaganda and Bemba cases, the Court addressed issues of command responsibility and sexual violence. These prosecutions pushed the boundaries of Article 7 and Article 8 of the Rome Statute. They required the Court to interpret the elements of crimes in light of evolving international norms, by the Vienna Convention's allowance for contextual and purpose-driven readings (Vienna Convention, 1969, Art. 31–32).

5.15 The Situation in Afghanistan

The Afghanistan investigation raised sensitive questions about the Court's jurisdiction over nationals of non-state Parties. In 2020, the Appeals Chamber authorized the Prosecutor to investigate war crimes and crimes against humanity committed by all parties to the conflict, including Afghan forces, the Taliban, and U.S. personnel (ICC Appeals Chamber, 2020).^[18] Although the United States is not a State Party, the crimes allegedly occurred on Afghan territory, a State Party since 2003. The Court's reliance on a strict textual reading of Article 12, supported by a purposive interpretation under Article 31 of the Vienna Convention, underscored its commitment to jurisdictional consistency despite political pressure.

5.16 Complementarity and Sovereignty Issues

The principle of complementarity lies at the heart of the Rome Statute. According to Article 17, the ICC may exercise jurisdiction only when national jurisdictions are unwilling or unable to investigate or prosecute crimes. This design reinforces state sovereignty as the first line of defense in the administration of criminal justice while reserving a residual role for the Court. However, this principle has raised profound questions about the balance between sovereignty and international accountability, particularly among Global South states.

5.17 Legal Sovereignty and Postcolonial Sensitivities

Many states in the Global South view the ICC's involvement in domestic affairs as a challenge to their hard-won postcolonial sovereignty. Critics argue that ICC interventions often replicate historical patterns of domination, with international institutions stepping in to enforce "justice" on weaker states, often in Africa, while more powerful states, particularly those outside the Court's jurisdiction, escape scrutiny (Mutua, 2001).^[19]

The African Union has been vocal in its critique, accusing the ICC of disproportionately targeting African leaders. While the ICC argues that many African cases were either self-referred or UN Security Council-mandated, this has not silenced concerns over judicial selectivity and perceived neo-colonialism. While legally grounded, the indictment of Sudan's Omar al-Bashir was framed by several African states as a threat to regional stability and an infringement on national reconciliation processes (Murithi, 2013).^[20]

5.18 Complementarity in Practice: Challenges of Capacity and Will

The practical application of complementarity has also revealed disparities in judicial capacity between states. Many developing countries lack the forensic, institutional, or legal infrastructure to conduct genuine investigations into international crimes. This gap creates a paradox: States are deemed "unable" to act, which justifies ICC intervention, but they are also left without the means to develop national systems in the long term. The ICC has faced criticism for not doing enough to promote positive complementarity, the idea

that it should help strengthen domestic justice mechanisms (Stahn, 2010).^[21]

In Kenya, for instance, the ICC opened an investigation *proprio motu* into post-election violence in 2007–08 after the government failed to establish a credible tribunal. Some viewed the prosecution of high-level figures like Uhuru Kenyatta and William Ruto as an affront to sovereignty. The Kenyan government accused the Court of meddling in domestic politics, a sentiment that resonated with other African leaders and led to calls for mass withdrawal from the Rome Statute.

5.19 Sovereignty vs. Universality: The Case of Non-Party States

The Afghanistan and Palestine investigations exemplify the tension between state sovereignty and the universal aspirations of the Rome Statute. In both cases, the ICC asserted jurisdiction over nationals of non-party states (e.g., U.S. and Israeli officials) based on territorial links. While legally valid under Article 12 and supported by Vienna Convention interpretive principles, these actions sparked a backlash from powerful states, exposing the ICC's vulnerability in confronting major powers that refuse to recognize its authority.

Such cases have revived debates about whether international criminal justice, as currently institutionalized, is truly universal or reflects an uneven and selective application of legal norms that disproportionately burden weaker or marginalized states.

5.20 Critical Perspectives

Despite its historic mandate and symbolic power, the International Criminal Court (ICC) has faced persistent critiques from scholars, civil society actors, and states, especially from the Global South. These critiques go beyond legal technicalities to interrogate the structural politics of international criminal law and the ideological underpinnings of the ICC as a global institution.

5.21 Politicization and the Problem of Selectivity

One of the most enduring critiques of the ICC is the selective nature of its prosecutions. Although the Rome Statute aims to establish impartial and universal accountability standards, the Court has been accused of focusing disproportionately on specific regions, especially Africa, while avoiding prosecutions implicating powerful states or their allies.

This selectivity is often attributed to the politicization of referrals, particularly those made by the United Nations Security Council, where only permanent members (P5) hold veto power. None of the P5 members (e.g., the U.S., China, Russia) have ratified the Rome Statute yet. They can influence the Court's docket through referrals or blocking enforcement efforts, raising deep concerns about legal asymmetry (Scharf, 2011).^[22] This structure creates the appearance of a two-tiered system of justice, one for the powerful and another for the weak.

5.22 Epistemic Inequalities and Legal Imperialism

Postcolonial legal scholars have also critiqued the ICC for operating as a vehicle of epistemic and normative imperialism, promoting a Eurocentric model of justice that marginalizes alternative conceptions of accountability, reconciliation, and restoration (Branch, 2011).^[23] Traditional justice mechanisms—such as Rwanda's *gacaca* courts or Uganda's *mato oput*—have significantly rebuilt social trust and fostered collective healing in many conflict-affected societies, especially in Africa and Asia.

The ICC's formalistic legal processes and adversarial procedures may undermine such approaches, reducing justice to courtroom verdicts rather than broader social transformation. Critics argue that the Rome Statute, while legally progressive, reproduces Western legal norms and institutions, often with limited relevance to local populations' lived experiences and justice needs.

5.23 Legitimacy, Reform, and the Path Forward

Failures in enforcement, slow trial processes, and perceptions of bias compound the ICC's legitimacy crisis. While the Court has significantly advanced in developing legal doctrine and victim participation, its overall conviction rate remains low, and cooperation with states is inconsistent.

In response, reform advocates have called for greater regional engagement, enhanced positive complementarity, and procedural reform to streamline investigations and trials. Some scholars also propose an expanded focus on economic and environmental harms, which are often intertwined with conflict but outside the Court's core mandate (Drumbl, 2020).^[24]

Others suggest revisiting the Rome Statute to address ambiguities in jurisdiction, improve the balance between legal and restorative models of justice, and protect the Court from undue political influence. Still, any structural reform must contend with the entrenched geopolitics that broadly shape international law.

6. Conclusion

The International Criminal Court stands at the intersection of legal idealism and geopolitical reality. Anchored in the Rome Statute, its foundational treaty, and guided by the Vienna Convention on the Law of Treaties, the ICC represents a bold attempt to institutionalize international criminal justice within a rules-based order. The Court's dual foundation provides legal authority and interpretive coherence, allowing it to evolve within the broader architecture of international law. However, this architecture, built on treaties, state consent, and institutional interpretation, is also the site of profound contestation.

The Rome Statute establishes the procedural and substantive framework for the ICC's operation, while the Vienna Convention provides interpretive principles essential for addressing textual ambiguities, legal gaps, and political complexities. These instruments enable the Court to navigate its unique position as a treaty-based tribunal with global

ambitions yet limited enforcement power. However, the enduring tension between sovereignty and supranational justice continually tests the Court's legitimacy and effectiveness. This echoes the core concern of your doctoral thesis: that international criminal tribunals, however well-intentioned, may reproduce a kind of victor's justice in a world still structured by unequal power relations. Despite its normative aspirations, the ICC is often constrained by political interests, selective enforcement, and structural asymmetries, particularly when confronting powerful states or operating in fragile postcolonial contexts.

The future of the ICC will depend not only on legal reform or institutional innovation but also on a broader rethinking of how justice is conceptualized and practiced in global governance. The Court must find ways to better engage with national systems, empower local voices, and expand its relevance beyond legal formalism. As international law continues to evolve, the ICC must reckon with its foundational paradox: it seeks to speak on behalf of humanity, yet it must do so through instruments created and controlled by sovereign states.

In that sense, the Rome Statute and the Vienna Convention serve as more than just legal texts; they are arenas of struggle, interpretation, and transformation. Whether the ICC can transcend the logic of power politics to realize its promise of impartial and universal justice remains one of the defining questions of our time.

7. Future Scope

As global conflicts increase in complexity and geopolitical circumstances consistently challenge the objectivity of international justice, forthcoming research may explore methodologies through which the International Criminal Court (ICC) can augment its legitimacy and effectiveness via institutional reforms and enhanced collaborations with regional organizations. The evolving application of treaty interpretation principles, particularly under the Vienna Convention, presents further opportunities for evaluating how legal clarity can reinforce prosecutorial strategies. Furthermore, the impact of emerging technologies and digital evidence on accountability mechanisms is a crucial area for future inquiry.

References

- [1] International Criminal Court. (2023). *Situation in Ukraine, Palestine, and Sudan*. Retrieved from <https://www.icc-cpi.int>
- [2] Schabas, W. A. (2016). *The International Criminal Court: A Commentary on the Rome Statute*. Oxford University Press.
- [3] Schabas, W. A. (2016). *An Introduction to the International Criminal Court* (5th ed.). Cambridge University Press.
- [4] Villiger, M. E. (2009). *Commentary on the 1969 Vienna Convention on the Law of Treaties*. Brill Nijhoff.
- [5] Gaeta, P. (2020). *The legitimacy of the International Criminal Court in question: An examination of challenges and critiques*. *Journal of International Criminal Justice*, 18(1), 17–39. <https://doi.org/10.1093/jicj/mqz083>
- [6] United Nations. (1998). *Rome Statute of the International Criminal Court*. U.N. Doc. A/CONF.183/9. <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>
- [7] United Nations. (1969). *Vienna Convention on the Law of Treaties*. U.N. Doc. A/CONF.39/27. https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
- [8] Rome Statute of the International Criminal Court. (1998, July 17). *United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court*. A/CONF.183/9. Retrieved from <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>
- [9] United Nations General Assembly. (2012, November 29). *Resolution adopted by the General Assembly on the status of Palestine in the United Nations (A/RES/67/19)*. Retrieved from https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/19
- [10] International Criminal Court (ICC). (2023). *Warrant of arrest for Vladimir Vladimirovich Putin*. ICC-01/22.
- [11] United Nations Security Council (UNSC). (2005). *Resolution 1593 (2005) was based on referring the situation in Darfur, Sudan, to the ICC*. S/RES/1593.
- [12] Bosco, D. (2014). *Rough justice: The International Criminal Court in a world of power politics*. Oxford University Press.
- [13] International Criminal Court (ICC). (2012). *Prosecutor v. Thomas Lubanga Dyilo: Judgment pursuant to Article 74 of the Statute*. ICC-01/04-01/06.
- [14] International Criminal Court (ICC). (2010). *Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya*. Pre-Trial Chamber II, ICC-01/09. Retrieved from <https://www.icc-cpi.int/court-record/icc-01-09>
- [15] International Criminal Court (ICC). (2021). *Decision on the Prosecution request pursuant to Article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine*. ICC-01/18-143.
- [16] Akande, D. (2014). The legal nature of Security Council referrals to the ICC and its impact on Al Bashir's immunities. *Journal of International Criminal Justice*, 7(2), 333–352. <https://doi.org/10.1093/jicj/mqp031>
- [17] International Criminal Court (ICC). (2024, November 21). *Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant*. Retrieved from <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>
- [18] International Criminal Court (ICC). (2020). *Situation in the Islamic Republic of Afghanistan: Judgment on the appeal against the decision on the authorization of an investigation*. ICC-02/17-138.
- [19] Mutua, M. (2001). Savages, victims, and saviors: The metaphor of human rights. *Harvard International Law Journal*, 42(1), 201–245.

- [20] Murithi, T. (2013). Between impartiality and politics: The ICC's intervention in Africa. *ISS Paper 240*. Institute for Security Studies.
- [21] Stahn, C. (2010). Complementarity, amnesties and alternative forms of justice: Some interpretive guidelines for the International Criminal Court. *Journal of International Criminal Justice*, 3(3), 695–720.
- [22] Scharf, M. P. (2011). Universal jurisdiction and the crime of aggression. *Harvard International Law Journal*, 53(2), 357–388.
- [23] Branch, A. (2011). *Displacing human rights: War and intervention in northern Uganda*. Oxford University Press.
- [24] Drumbl, M. A. (2020). Towards a greener international criminal law. *Journal of International Criminal Justice*, 18(2), 443–461. <https://doi.org/10.1093/jicj/mqaa016>

Author Profile



Md Mahbubur Rahman, PhD in Law. A researcher specializing in international law, conflict resolution, peace, security, and human rights. Formerly served as an advocate at the Supreme Court of Bangladesh. At present teaching in Japan. LLB Honours 1988 and LLM 1989. University of Rajshahi, Bangladesh. Diploma of Human Rights and Legal Aid 1994. -Higher Diploma of International and Comparative Law of Human Rights 1995. - Research Diploma of Economic, Social and Cultural Rights 1996. Dhaka International University, Bangladesh. Diploma in Teaching Skills for Educators 2017. Ireland - TEFL, TESOL, Teaching English as a Foreign Language 2017. the U.K. Permanent Address: House-418, Village - Loshkor, P.S. - Paikgacha, District – Khulna, Bangladesh Post Code-9280 Email: [mahbubsinfo\[at\]gmail.com](mailto:mahbubsinfo[at]gmail.com)