

AN APPRAISAL ON SOME ASPECTS OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

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ABSTRACT

A new chapter in the area of international criminal law was brought into force with the introduction of the Rome Statute and the International Criminal Court (ICC) in the year 2002. The Rome Statute aimed at establishing a permanent International Tribunal whilst taking into consideration the concept of 'sovereignty of the State' and laid down provisions to punish individuals who commit genocide and other serious international crimes during war situations. The ICC may start proceedings against the atrocities individually if an effective prosecution is not taking place at national level due to legal or factual barriers and difficulties. However, there is great anxiety of many States that the ICC could interfere in a State's internal affairs and could affect the State's sovereignty. This situation leads to a great reluctance of many States especially those in the South Asian region including Sri Lanka to join the ICC. Therefore, it is important to discuss some legal issues relating to the Rome Statute of the ICC which might affect or will affect the State sovereignty. It is also important to discuss how the ICC can play a supportive as well as a monitoring role over the national courts in order to bring the individuals before the law and punish them for their crimes, and to ensure the best interest of the human being as a whole.

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