

# Crimes under International Law in the Rome Statute of the ICC and Their Prosecution

## Abstract

This diploma thesis deals with crimes under international law in the Rome Statute of the International Criminal Court and their prosecution, with a special focus on the issues of applicability of senior state officials' international immunity when it comes down to the proceedings before this court.

The first part of the thesis outlines the meaning of the term *crimes under international law* and explains the difference between this term and the terms *international crimes* and *transnational crimes*. Next, the prosecution of these crimes under international law is set within its historical context with a special focus on the period after the start of World War I.

The second part discusses the International Criminal Court's jurisdiction and, mainly, each individual crime under international law and its definition in the Rome Statute. The second part ends with a chapter concerning mental elements of these crimes and particularly the institute of command responsibility.

The third part describes the procedural provisions of the Rome Statute and it guides the reader all the way from the initiation of the proceedings to the enforcement of the court's decision. The third section also offers several practical examples regarding the implementation of the procedural provisions of the Rome Statute.

The fourth part provides detailed information regarding the immunity of individuals under international law, especially those available to the senior state officials. The purpose of these immunities, their nature, content, and differences between immunity *ratione materiae* and immunity *ratione personae* are all explained.

The fifth part deals with the issue of non-applicability of the immunity under international law in the International Criminal Court proceedings. The focus is on the court's case law. The fifth part also discusses a dispute over the applicability of the immunity *ratione personae* in cases of cooperation of the Rome Statute's state parties with the International Criminal Court, which was set up as a result of a request for arrest and surrender of Sudanese president Omar al-Bashir.