

Rome Statute of International Criminal Court

Article 22 :

Nullum crimes sine lege

1. A person shall not be criminally responsible under this statute unless the conduct in question constitutes , at the time it takes place , a crime within the jurisdiction of the court .
2. The definition of a crime shall be strictly construed and shall not be extended by analogy . In case of ambiguity , the definition shall be interpreted in favour of the person being investigated , prosecuted or convicted .
3. This article shall not affect the characterization of any conduct as criminal under international law independently of this statute .

Article 23 :

Nulla poena sine lege

A person convicted by the court may be punished only in accordance with this statute .

Article 24 :

1. No person shall be criminally responsible under this statute for conduct prior to the entry in to force of the statute .
2. In the event of change in the law applicable to a given case prior to a final judgment , the law more favourable to the person being investigated , prosecuted or convicted shall apply .

Article 26 :

Exclusion of jurisdiction over persons under 18

The court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged

Article 27 :

Irrelevance of official capacity

1. This statute shall apply equally to all persons without any distinction based on official capacity .In particular , official capacity as a head of state or Government , a member of a Government or parliament , an elected representative or a government official shall in no case exempt a person from criminal responsibility under this statute , nor shall it , in and of itself , constitute a ground for reduction of sentence .
2. Immunities or special procedural rules which may attach to the official capacity of a person , whether under national or international law , shall not bar the court from exercising its jurisdiction over such a person .

Article 29 :

Non – applicability of statute of limitations :

The crimes within the jurisdiction of the court shall not be subject to any statute of limitations .

Article32 :

Mistake of fact or mistake of law :

1. A mistake of fact shall be a ground for excluding criminal responsibility only if it negated the mental element required by the crime .
2. A mistake of law as to whether a particular type of conduct is a crime within the jurisdiction of the court shall not be a ground for excluding criminal responsibility . A mistake of law may , however, be a ground for excluding criminal responsibility if it negates the mental element required by such a crime , or as provided for in article 33 .

Article 34 :

Organs of the court

The court shall be composed of the following organs :

- a. The Presidency
- b. An Appeals Division , a Trial Division and Pre-Trial Division
- c. The Office of the Prosecutor
- d. The Registry

Article 37 :

Judicial vacancies

1. In the event of a vacancy , an election shall be held in accordance with article 36 to fill the vacancy .
2. A judge elected to fill a vacancy shall serve for the remainder of the predecessors term and , if that period is three years or less , shall be eligible for re- election for a full term under article 36

Article 45 :

Solemn undertaking :

Before taking up their respective duties under this statute , the judges , the prosecutor , the deputy prosecutors , the Registrar and the Deputy Registrar shall each make a solemn undertaking in open court to exercise his or her respective functions impartially and conscientiously .

Article 47 :

Disciplinary and measures :

A judge ,prosecutor , Deputy Prosecutor , Registrar or deputy registrar who has committed misconduct of a less serious nature than that set out in article 46 , paragraph 1 , shall be subject to disciplinary measures , in accordance with the rules of procedure and evidence .