



Individual criminal responsibility for crimes against humanity: A juridical analysis of the decisions of the international criminal court

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ABSTRACT

Background: Crimes against humanity are among the gravest offences under international criminal law and require individual criminal responsibility to prevent impunity. The International Criminal Court (ICC), established by the Rome Statute, provides a framework on crimes against humanity and modes of liability, yet its case law reveals doctrinal tensions. This article examines how the Court interprets and applies individual criminal responsibility in such cases. **Methods:** The research employs a normative legal method using statute and case approaches. It analyses provisions of the Rome Statute on crimes against humanity and individual responsibility, and reviews selected ICC judgments, which are qualitatively assessed to evaluate coherence and trends in the Court's reasoning. **Findings:** The study finds that the Court has developed an architecture of modes of liability, including direct perpetration, co-perpetration, indirect perpetration, participation, and command responsibility, each with distinct actus reus and mens rea requirements. However, overlaps between modes, fluctuating evidentiary thresholds for senior leaders, and divergences between Trial and Appeals Chambers generate uncertainty and raise concerns about consistency and fairness. These dynamics reveal a gap between the conceptual aims of international criminal law and its practical enforcement before the ICC. **Conclusion:** The article concludes that, although the Court has advanced the doctrine of individual criminal responsibility for crimes against humanity, significant doctrinal and practical challenges remain. **Novelty/Originality of this article:** This study offers a structured mapping of modes of liability in ICC jurisprudence and links those patterns to wider debates on the legitimacy and effectiveness of international criminal justice.

KEYWORDS: criminal; individual; responsibility.

1. Introduction

Crimes against humanity occupy a central place in the architecture of international criminal law (Ambos, 2011). They are designed to address widespread or systematic attacks directed against civilian populations and to ensure that individuals who orchestrate, facilitate, or directly perpetrate such attacks are held criminally responsible (Allais, 2017). The normative project behind this regime is clear: to end cycles of impunity for serious human rights violations and to affirm that no individual, regardless of rank or position, is above the law. The establishment of the International Criminal Court (ICC) through the Rome Statute was widely heralded as a milestone in this project, providing a permanent

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forum to adjudicate individual criminal responsibility for genocide, crimes against humanity, war crimes, and, more recently, the crime of aggression.

At the same time, the ICC's jurisprudence on crimes against humanity has revealed a complex and sometimes contested understanding of how individual criminal responsibility should be constructed and applied. The Rome Statute contains a relatively detailed set of provisions on crimes against humanity and on modes of liability, including direct perpetration, co-perpetration, indirect perpetration, participation, and command or superior responsibility. In practice, however, the interpretation of these provisions has generated difficult questions: how should responsibility be apportioned between physical perpetrators and senior leaders? To what extent can collective criminality be captured without diluting basic principles of culpability and legality? How should the Court navigate the tension between the need for effective accountability and the requirement of fair labelling and foreseeability?

Existing scholarship has provided important insights into these issues, but it often focuses either on the abstract doctrinal structure of modes of liability or on individual cases in isolation. Less attention has been paid to a systematic, comparative analysis of how the ICC has actually used its toolbox of modes of liability across a range of crimes against humanity cases, and what this reveals about the coherence and direction of the Court's approach to individual criminal responsibility. Moreover, while debates about legitimacy, selectivity, and politics in international criminal justice continue, there is still a need to ground these broader concerns in close readings of the Court's reasoning in concrete cases.

This article seeks to fill that gap by offering a focused legal analysis of individual criminal responsibility for crimes against humanity in ICC jurisprudence. It asks three interrelated questions. First, how does the Rome Statute normatively regulate individual criminal responsibility for crimes against humanity, particularly through its provisions on modes of liability and mental elements? Second, how has the ICC interpreted and applied these provisions in its key judgments on crimes against humanity? Third, what doctrinal and practical challenges emerge from this case law, and what implications do they have for the development of international criminal law and for the effectiveness of the Court's accountability mandate?

Methodologically, the article employs a normative legal approach that combines statutory and case law analysis. It begins by outlining the relevant provisions of the Rome Statute on crimes against humanity and individual criminal responsibility, situating them within the broader principles of international criminal law. It then turns to selected ICC judgments in which crimes against humanity play a central role, examining how different chambers have constructed and applied modes of liability and mental elements, and how they have addressed evidentiary and attribution issues in complex factual settings. The analysis focuses on patterns, convergences, and divergences in the Court's reasoning rather than on exhaustive coverage of all cases.

The argument advanced in this article is that the ICC has made significant contributions to refining the doctrine of individual criminal responsibility for crimes against humanity by differentiating and elaborating various modes of liability. At the same time, the case law reveals areas of instability and inconsistency, particularly in the overlap between modes, in the calibration of evidentiary thresholds for senior leaders, and in the relationship between collective criminality and individual culpability. These tensions affect not only the internal coherence of the Court's jurisprudence but also its perceived fairness and legitimacy.

The structure of the article is as follows. Section 2 sets out the normative framework of crimes against humanity and individual criminal responsibility under the Rome Statute. Section 3 analyses key ICC judgments, with particular attention to the articulation and application of modes of liability. Section 4 discusses the doctrinal and practical challenges that emerge from this jurisprudence and reflects on their implications for the future of international criminal law. Section 5 concludes by summarizing the main findings and suggesting avenues for further research on individual responsibility and crimes against humanity in the ICC era.

2. Methods

2.1 Research design

This study employs a normative juridical (doctrinal legal) research design. In line with this approach, the research conceptualises law as a normative system rather than as an empirical social phenomenon, focusing on the analysis of legal rules, principles, and doctrines governing individual criminal responsibility for crimes against humanity within the framework of the International Criminal Court (ICC) (Negara, 2023; Noor, 2023; Anarsi Setia Negara, 2023; Christiani, 2016). The design is intended to enable a systematic examination of how legal norms are constructed, interpreted, and applied in international criminal law.

2.2 Approach

This research adopts three complementary approaches. First, a statute approach is used to analyse the relevant provisions of the Rome Statute of the International Criminal Court, including general principles of individual criminal responsibility, modes of liability, specific provisions on crimes against humanity, and mental elements. This analysis is supported by reference to the Elements of Crimes and the ICC Rules of Procedure and Evidence. Second, a case approach is employed through the examination of selected ICC judgments and decisions where crimes against humanity constitute a central charge. Case selection is based on doctrinal relevance, depth of judicial reasoning on modes of liability (such as direct perpetration, co-perpetration, indirect perpetration, participation, and command responsibility), and their influence on subsequent jurisprudence. Both Trial Chamber and Appeals Chamber decisions are considered to capture interpretative consistencies and divergences (Harrell-Bond, 2002). Third, a conceptual approach is utilised to clarify and systematise key legal concepts, including “crimes against humanity”, “individual criminal responsibility”, “modes of liability”, actus reus, and mens rea. This involves examining how these concepts are formulated in the Rome Statute and further developed in ICC jurisprudence and legal doctrine. Where necessary, a limited comparative doctrinal reading is undertaken to situate ICC interpretations within broader methodological debates (Rohman et al., 2024; Budiando, 2020).

2.3 Research materials and analysis

The study relies on primary and secondary legal materials. Primary legal materials include the Rome Statute, Elements of Crimes, ICC case law, and other relevant international legal instruments. Secondary legal materials consist of scholarly books, journal articles, and expert commentaries on international criminal law and ICC practice. All legal materials are collected through library research. This involves systematic identification, selection, and review of relevant legal documents and academic literature to support doctrinal analysis.

The data are analysed qualitatively using doctrinal legal analysis. The analysis focuses on: (i) identifying the normative content of legal rules governing individual criminal responsibility and crimes against humanity; (ii) examining how these rules are interpreted and applied in ICC jurisprudence; and (iii) evaluating the internal coherence and implications of such interpretations within the broader framework of international criminal law. Consistent with its normative juridical character, this study does not involve the collection of empirical data from witnesses, victims, or practitioners, nor does it employ statistical methods. Instead, it aims to provide a structured doctrinal reconstruction of ICC jurisprudence on individual criminal responsibility for crimes against humanity. The study also engages selectively with jurisprudence from ad hoc tribunals to provide contextual support, without developing a full comparative analysis.

3. Results and Discussion

3.1 *The construction of individual criminal responsibility under the Rome Statute*

The construction of individual criminal responsibility under the Rome Statute is one of its most distinctive and ambitious features (Shulzhenko & Romashkin, 2021). Unlike many earlier instruments, the Statute sets out a relatively detailed “general part” of international criminal law, especially in Articles 25 and 30, that defines who can be held responsible, on what basis, and with what mental state (Ambos, 2011; Bassiouni, 2017). This reflects the drafters’ intention to move beyond a purely skeletal framework and to provide clearer guidance to judges, prosecutors, and defence counsel (Bassiouni, 2006). At the same time, it embeds a series of compromises among civil law and common law traditions, among different doctrinal schools, and among States with varying levels of comfort with how far individual liability should extend in the context of collective violence.

Crimes against humanity under Article 7 provide an important test case for this architecture of responsibility (Vilalpando, 2010). They are characterised by contextual elements—“a widespread or systematic attack directed against any civilian population”—that almost always involve organised structures, collective decision-making, and large numbers of participants (Shulzhenko & Romashkin, 2021). The Rome Statute addresses this collective dimension not by abandoning individual culpability, but by building a toolbox of modes of liability that can capture different roles within a common criminal enterprise. The construction of individual responsibility, therefore, has to balance two demands: doing justice to the complexity of large-scale criminality and staying faithful to basic principles such as legality, personal guilt, and fair labelling (Grover, 2010).

Article 25(2) establishes the foundational rule: the Court has jurisdiction over “natural persons”, and they shall be individually responsible and liable for punishment if they commit crimes within the Statute. This provision reflects a decisive rejection of purely State responsibility in the face of atrocity crimes and confirms that international criminal law concerns individual wrongdoing. It also underscores that responsibility is personal: no one can be punished merely because of their membership in a group or office. However, what counts as “committing” a crime in a collective setting is then unpacked in Article 25(3), which provides a detailed list of modes of liability.

Article 25(3)(a) starts with direct perpetration—committing a crime “as an individual, jointly with another or through another person.” This is the core provision from which the notions of “co-perpetration” and “indirect perpetration” have been developed in ICC jurisprudence. The phrase “jointly with another” opens the door to liability for persons who share control over the crime, even if none of them physically executes all elements of the offence. Likewise, “through another person” captures situations in which the accused uses another person as an instrument—whether that person is innocent, subordinate, or otherwise under the accused’s control. The provision thus explicitly recognises that in atrocity contexts, leadership roles and “control over the crime” matter as much as the physical hand that pulls the trigger.

Article 25(3)(b)–(d) expands liability to various forms of participation (Militello, 2007). Ordering, soliciting, or inducing the commission of a crime (25(3)(b)) addresses those who trigger or instigate criminal conduct without necessarily being present at the scene. Aiding, abetting, or otherwise assisting (25(3)(c)) covers those whose contributions enable or significantly facilitate the offence. Article 25(3)(d) then adds a more controversial form of liability: contributing in any other way to a group crime committed with a common purpose. This provision is designed to reach individuals who participate in a collective criminal endeavour without fitting neatly into traditional categories of perpetrator or accessory, and it is particularly relevant to crimes against humanity committed by organised groups or State apparatuses.

The mental element of individual criminal responsibility is primarily governed by Article 30 (Milanović, 2011), which adopts a default “intent and knowledge” standard. Unless otherwise provided, a person is criminally responsible only if they mean to engage

in the conduct and mean to cause the consequences or are aware that such consequences will occur in the ordinary course of events. This default rule is crucial in delimiting the reach of the modes of liability in Article 25. For example, co-perpetration under Article 25(3)(a) is generally understood to require that the accused share the intent to bring about the material elements of the crime, while participants under Article 25(3)(c) or (d) must at least know that their assistance or contribution will facilitate the commission of the crime by the group.

Another key provision is Article 28 on command or superior responsibility, which supplements Article 25 rather than displacing it. Command responsibility is not framed as a classic mode of liability based on direct intent to commit the crime, but as a form of omission liability for failing to prevent or punish crimes committed by subordinates. The construction of individual responsibility here links the superior's position of authority, knowledge (or "should have known" standard), and failure to take reasonable measures to the underlying crimes against humanity. This reflects the recognition that large-scale atrocities are often enabled by permissive or complicit leadership, even when superiors are not directly involved in operational decisions.

The Rome Statute also attempts to codify basic limiting principles. Article 22 enshrines the principle of legality (*nullum crimen sine lege*), requiring that the definition of crimes be strictly construed, while Article 23 extends the same logic to penalties. Article 24 prohibits retroactive criminalisation, and Article 25(4) clarifies that no provision relating to individual responsibility shall affect the responsibility of States under international law. These safeguards are central to the construction of individual liability: they signal that even in the face of heinous crimes, the Court must respect clarity, foreseeability, and non-retroactivity when interpreting modes of liability and mental elements.

Despite this detailed normative framework, the construction of individual criminal responsibility under the Rome Statute is not entirely self-executing. Many concepts are open-textured—such as "control over the crime", "substantial contribution", or "common purpose"—and their operational meaning has largely been shaped by judicial interpretation. Chambers has drawn on comparative criminal law and earlier international jurisprudence to flesh out these notions, leading to relatively sophisticated theories of co-perpetration and indirect perpetration, but also to debates about overlap and internal coherence. The Statute thus provides the grammar of individual responsibility, while the ICC's case law writes the sentences (Sliedregt, 2012).

One recurrent tension in this construction is the relationship between collective criminality and personal guilt. On the one hand, the Statute's broad catalogue of modes of liability allows the Court to attribute responsibility up and down the chain of command and across networks of perpetrators, which is indispensable in crimes against humanity cases. On the other hand, there is a risk that the desire to capture the systemic nature of atrocities may stretch concepts of participation and contribution beyond what is compatible with individual culpability. The design of Article 25(3)(d), in particular, raises questions about how far mere "membership plus contribution" can go without sliding into guilt by association.

Finally, the overall architecture of individual criminal responsibility under the Rome Statute can be seen as an attempt to reconcile several competing imperatives: effectiveness in addressing mass atrocities, fidelity to criminal law principles, and political acceptability to States Parties (Heyer, 2012). It equips the ICC with a flexible set of liability forms suited to complex, multi-actor crimes against humanity, while embedding legality and *mens rea* requirements to prevent over-expansion. Whether this construction ultimately delivers both accountability and fairness depends not only on the text itself, but on how consistently and cautiously it is interpreted and applied in practice—a question that can only be answered by close analysis of the Court's jurisprudence (Meron et al., 2007; Heerten & Moses, 2014; Militello, 2007).

3.2 Judicial interpretation and application of modes of liability in ICC case law

Judicial interpretation of modes of liability in ICC case law has been central to how the Court operationalises individual criminal responsibility in the context of collective violence (Aksenova, 2015). Although the Rome Statute sets out a comparatively detailed catalogue of liability forms under Article 25(3) and Article 28, many of the key concepts—such as “commits”, “jointly with another”, “through another person”, “aids, abets or otherwise assists”, and “contributes to” a group crime—are open-textured. The Court has therefore been required to fill these terms with substantive meaning through its jurisprudence. This has produced an evolving body of case law that both clarifies and, at times, complicates the architecture of individual responsibility.

A major development has been the articulation of co-perpetration under Article 25(3)(a). In its early cases, the ICC embraced the “control over the crime” theory, drawing on German doctrine, to distinguish co-perpetrators from mere accessories. Under this approach, co-perpetration is reserved for individuals who, acting on the basis of a common plan, share control over the commission of the crime such that each can frustrate its completion. The Court has used this theory to characterise senior political or military leaders as co-perpetrators even when they are far from the crime scene, provided they retain decisive power over the criminal enterprise. This has allowed the Court to address leadership responsibility without collapsing it into accessory liability.

Closely related is the notion of indirect perpetration and indirect co-perpetration, also grounded in Article 25(3)(a)’s reference to committing a crime “through another person”. Here, the ICC has held that an individual can be a perpetrator where he or she uses an organised apparatus of power—such as a military hierarchy or armed group—as a tool to commit crimes. The key lies in the accused’s control over the apparatus and the fungibility of the direct perpetrators, who can be replaced if they refuse to carry out orders. In some cases, this has been combined with co-perpetration, giving rise to the concept of indirect co-perpetration, in which multiple leaders jointly control an organised structure that executes the crimes on the ground.

The Court has also elaborated the contours of ordering, soliciting, and inducing under Article 25(3)(b). Ordering is generally understood to require a superior–subordinate relationship and direction that substantially contributes to the commission of the crime, whereas soliciting and inducing involve broader forms of persuasion or influence. Judicial reasoning has emphasised that these forms of liability remain distinct from command responsibility under Article 28: whereas command responsibility is based on a failure to act (an omission) to prevent or punish crimes of subordinates, ordering is a form of active participation in the commission of the crime itself. This distinction matters for the required mental element and for how blameworthiness is expressed in judgments.

With regard to aiding and abetting under Article 25(3)(c), ICC chambers have focused on the requirement of a “substantial” or “significant” contribution to the commission or attempted commission of a crime. The case law has grappled with what qualifies as “substantial” assistance—whether it must be indispensable, or whether facilitation that makes the crime easier or more likely to occur is sufficient. On the mental side, the Court has typically required that the aider know that their conduct will facilitate the commission of the crime, without necessarily sharing the principal perpetrator’s intent to bring about the criminal result. This has positioned aiding and abetting as a lower-tier, but still serious, mode of liability.

The most controversial provision has been Article 25(3)(d), which concerns contributions “in any other way” to a group crime committed with a common purpose. This mode of liability is designed to capture participants in collective criminal enterprises who do not fit neatly into the categories of perpetrators, instigators, or abettors. Judicial interpretation has had to navigate the risk that this form of liability could drift toward guilt by association. The Court has therefore underlined that liability under Article 25(3)(d) still requires a contribution that is intentional and significant, and that the accused must at least

intend to further the criminal activity or be aware of the group's intention to commit the crime.

Another key area of interpretation is command or superior responsibility under Article 28. ICC chambers have treated this as a distinct basis of liability grounded in omission: a superior is responsible for failing to prevent or repress crimes committed by forces under their effective control, or for failing to submit the matter for investigation and prosecution. Case law has focused on the meaning of "effective command and control", the knowledge standard ("knew or, owing to the circumstances at the time, should have known"), and what qualifies as "all necessary and reasonable measures". These decisions have significant implications for how far up the hierarchy liability can reach, and for the balance between legal accountability and the practical realities of command in conflict situations.

Throughout its jurisprudence, the ICC has attempted to maintain internal coherence among the various modes of liability, but tensions have emerged. Overlaps between co-perpetration, indirect perpetration, aiding and abetting, and Article 25(3)(d) contribution have sometimes generated ambiguity about why one mode was chosen over another in a specific case. In some instances, Trial Chambers have adopted relatively expansive readings of co-perpetration and indirect co-perpetration to capture senior leaders, while Appeals Chambers have later revisited and narrowed certain aspects of these constructions. Such divergences create a dynamic but occasionally unstable doctrinal landscape.

The interaction between modes of liability and the contextual elements of crimes against humanity has also been a recurrent theme. Judges must determine not only whether the accused participated in specific underlying acts (such as murder, persecution, or deportation), but also whether their conduct is sufficiently linked to the "widespread or systematic attack" against a civilian population. In practice, chambers have tied liability to the accused's knowledge of the broader attack and their role in furthering it. This has required careful reasoning to avoid attributing responsibility for the entire attack to every participant while still recognising the systemic nature of the crimes.

Another layer of complexity arises from evidentiary challenges. Proving the requisite mental elements and the nature of the accused's contribution in large, complex cases is inherently difficult. The Court has had to rely on patterns of conduct, documentary evidence, witness testimony, and inferences drawn from the accused's position and behaviour. Judicial interpretations of modes of liability are thus intertwined with assessments of what can reasonably be inferred from circumstantial evidence, particularly regarding high-ranking officials. This, in turn, affects how strictly or flexibly standards such as "beyond a reasonable doubt" are applied in practice.

Overall, the judicial interpretation and application of modes of liability in ICC case law reveal a Court striving to reconcile doctrinal rigour with the functional need to address mass atrocity crimes. The case law has significantly developed and refined the Statute's liability framework, particularly regarding co-perpetration, indirect perpetration, and group contribution liability. At the same time, persistent debates about overlap, consistency, and evidentiary thresholds underscore that this is an evolving project rather than a settled system. The way in which the ICC continues to interpret and apply modes of liability will remain central to both the effectiveness and the perceived legitimacy of international criminal justice.

3.3 Analysis of cases handled by the international criminal court in the context of individual criminal responsibility

In international judicial practice, the International Criminal Court has handled a number of important cases that serve as references in understanding the application of individual criminal responsibility for serious crimes. One significant early case was *Prosecutor v. Thomas Lubanga Dyilo*, in which the defendant, a leader of an armed group in the Democratic Republic of the Congo, was found guilty of recruiting and using child soldiers in armed conflict. In its ruling, the ICC found Lubanga guilty, affirming that individuals can be held directly responsible for war crimes, setting an early precedent for the enforcement

of international criminal law. In contrast, in *Prosecutor v. Germain Katanga*, the defendant was charged with involvement in an attack on civilians in the village of Bogoro (Cross & Williams, 2010; Stahn, 2014). The ICC ultimately found Katanga guilty on some charges, particularly those related to war crimes, but not all charges were proven. This demonstrates that the application of individual criminal responsibility depends heavily on the strength of the evidence for each element of the crime.

The complexity of applying this principle is further demonstrated in the case of *Prosecutor v. Jean-Pierre Bemba Gombo*, which involved a military commander charged with responsibility for crimes committed by his troops in the Central African Republic. At first instance, Bemba was found guilty under the doctrine of command responsibility for failing to control his troops. However, on appeal, the verdict was overturned due to insufficient evidence of effective control and the steps the defendant should have taken. This ruling demonstrates that the standard of proof for establishing superior responsibility is very high and often hinders practice. Furthermore, in the case of *Prosecutor v. Bosco Ntaganda*, the defendant, a militia commander, was found guilty of various war crimes and crimes against humanity, including murder, rape, and the recruitment of child soldiers (Kuniewicz, 2015). This case demonstrates the ICC's success in proving comprehensive individual responsibility when there is strong and systematic evidence. Meanwhile, in the case of *Prosecutor v. Laurent Gbagbo*, the former president of Côte d'Ivoire was charged with crimes against humanity related to post-election violence. However, the ICC acquitted the defendant due to insufficient evidence directly linking him to the crimes (Deutch, 2015; Kuniewicz, 2015).

From these five cases, a clear pattern emerges that the success of the application of individual criminal responsibility at the ICC is heavily influenced by the quality and availability of evidence, as well as the ability to prove a direct or indirect link between the accused and the crimes committed. Cases such as *Lubanga* and *Ntaganda* demonstrate that when concrete evidence is available, the ICC is able to effectively enforce individual accountability. Conversely, in the *Bemba* and *Gbagbo* cases, failure to prove, particularly regarding effective control and direct involvement, was a key factor in the acquittal of the accused. This indicates that although the principle of individual criminal responsibility is clearly established in international criminal law, its implementation still faces serious challenges, particularly in terms of evidentiary requirements and the complexity of command structures in armed conflict.

In resolving cases at the International Criminal Court, the primary principle used is individual criminal responsibility, as stipulated in Article 25 of the Rome Statute of the International Criminal Court. This principle affirms that individuals as the primary perpetrators of international crimes can be held directly criminally responsible, independently of state responsibility. Therefore, anyone who commits, orders, or participates in crimes against humanity can be prosecuted as a subject of international criminal law. Furthermore, an equally important principle is command responsibility, as stipulated in Article 28 of the Rome Statute. This principle allows a military or civilian superior to be held accountable for crimes committed by his subordinates if he knew or should have known about the crime but failed to prevent or act on it. The application of this principle is crucial in the context of armed conflict, where command structures are often complex and direct perpetrators are not always the primary actors ultimately responsible.

Furthermore, the ICC also applies the principle of non-immunity in official capacity, as stipulated in Article 27 of the Rome Statute, which states that a person's official position, including as head of state or high-ranking official, cannot be used as a justification for avoiding criminal responsibility. This principle represents a significant breakthrough in international law because it affirms that no one is above the law, thus strengthening efforts to eradicate impunity for serious crimes. The next principle is complementarity, which states that the ICC will only exercise its jurisdiction if the state concerned is unable or unwilling to conduct a genuine investigation and prosecution. This principle reflects respect for state sovereignty and ensures that justice can still be upheld when the national judicial system fails to perform its functions. However, the application of this principle often

generates debate, particularly regarding the assessment of a state's "inability" or "unwillingness." Finally, in its case resolution process, the ICC also adheres to the principles of fair trial and due process of law, which guarantee the rights of the accused throughout the judicial process, including the presumption of innocence, the right to a defense, and a high standard of proof. This principle ensures that, despite the serious nature of the crimes being handled, the law enforcement process remains fair and non-arbitrary. Thus, all of these principles show that the resolution of cases at the ICC is oriented not only towards punishment but also towards enforcing justice that balances the interests of victims, the international community, and the individual rights of the accused. The following table lists some cases that have been resolved at the ICC:

Table 1. Cases handled in ICC

No	Case Name	Country	Type of Crime	Verdict	Year	Remarks
1	Prosecutor v. Thomas Lubanga Dyilo	DR Congo	Recruitment of child soldiers (war crime)	Guilty	2012	First case decided by the ICC
2	Prosecutor v. Germain Katanga	DR Congo	War crimes & crimes against humanity	Partially guilty	2014	Not all charges were proven
3	Prosecutor v. Jean-Pierre Bemba Gombo	Central African Republic	Murder & rape	Acquitted (on appeal)	2018	Failure to prove command responsibility
4	Prosecutor v. Bosco Ntaganda	DR Congo	War crimes & crimes against humanity	Guilty	2019	Multiple charges successfully proven
5	Prosecutor v. Dominic Ongwen	Uganda	Murder, sexual slavery, abduction	Guilty	2021	Perpetrator was also a former child soldier
6	Prosecutor v. Laurent Gbagbo	Côte d'Ivoire	Crimes against humanity	Acquitted	2019	Insufficient evidence
7	Prosecutor v. Uhuru Kenyatta	Kenya	Post-election violence	Charges withdrawn	2014	Lack of evidence & political pressure

4. Conclusions

The analysis demonstrates that the Rome Statute offers one of the most comprehensive frameworks for individual criminal responsibility in international criminal law. Through its detailed provisions on modes of liability, mental elements, and command responsibility, the Statute seeks to ensure that accountability for crimes against humanity does not dissipate in the face of collective or organisational criminality. Instead, it anchors responsibility firmly in the actions, decisions, and omissions of individuals who contribute—directly or indirectly—to widespread or systematic attacks against civilians. The jurisprudence of the International Criminal Court plays a decisive role in transforming the Statute's textual architecture into an operational doctrine. Through cases involving co-perpetration, indirect perpetration, aiding and abetting, group-based contribution liability, and command responsibility, the Court has developed a nuanced understanding of how different participants in large-scale criminal enterprises should be held accountable. This evolving body of case law illustrates the Court's attempt to capture the complex dynamics of organised violence while preserving core principles such as legality, culpability, and foreseeability.

Nevertheless, the study also reveals significant doctrinal challenges that the ICC has yet to fully resolve. Overlaps among various modes of liability, shifting interpretive standards, and inconsistencies between Trial and Appeals Chambers present obstacles to a coherent and predictable system of responsibility. Moreover, evidentiary difficulties—particularly in

establishing intent and contribution for high-ranking actors—highlight the persistent tension between the need to punish atrocity crimes and the imperative to uphold rigorous standards of proof and fair labelling. While these challenges underscore the limitations of the current framework, they do not negate the ICC’s substantial contribution to the refinement of individual criminal responsibility.

On the contrary, the Court’s jurisprudence has generated important conceptual clarifications, pushed doctrinal boundaries, and sparked scholarly debate on how international criminal law should respond to systemic atrocities. Its decisions provide a foundation upon which future jurisprudence and scholarly developments can build. Ultimately, this study concludes that the Rome Statute’s system of individual criminal responsibility—when viewed alongside the ICC’s interpretive practice—remains a promising but unfinished project. Continued refinement, greater consistency in judicial reasoning, and a stronger alignment between doctrinal theory and practical application will be essential for ensuring both the effectiveness and the legitimacy of accountability mechanisms for crimes against humanity.

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