



STUDY OF INTERNATIONAL CRIMINAL COURT'S JURISDICTION ON THE CRIME OF INTERNATIONAL TERRORISM

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Article history:	Abstract:
Received: 20 th February 2025 Accepted: 14 th March 2025	In the era since the 20th century, undoubtedly, the widespread international terrorism crimes have caused tremendous social harm to human society. The international community, by responding with legislation, has been taking strict actions to punish international terrorism criminals and to fully restrain the breeding and spread of such phenomena. It must be acknowledged that up to now, the international community has been making proactive endeavors to rigorously punish international terrorism crimes and has attained significant achievements.

Keywords: International criminal court, jurisdiction, international criminal law, international terrorism crime, crime.

1. INTRODUCTION

As international terrorism crimes have become increasingly destructive to the stability of the world and the safety of life and property of people in various countries, countries and international organizations around the world have begun to legislate or cooperate in anti-terrorism. The threat of international terrorism crimes to the stability and order of the international community has reached a level that cannot be ignored. In the past, terrorism was often anarchism and anti-colonial ideology, but with the rapid rise of the "Islamic State" in 2014, terrorism forces have begun to change and have begun to try to establish a new country and a new system [1]. The global expansion of terrorism urgently requires joint response from all countries. The current society needs a means to combat international terrorism crime globally. The operation of the International Criminal Court has become mature in all aspects. The investigation and trial of international terrorism crime by the court can better achieve the effect of punishing crimes [2].

2. MATERIALS AND METHODS

So far, due to differences in ideology, interests of various countries, and political factors, there is no unified definition of the concept of terrorism crime worldwide. Punishing international terrorism crime requires close cooperation among all countries in society. Some countries may form alliances to jointly punish crimes, but it cannot achieve the desired effect. When exercising jurisdiction over international terrorism crime, there will be obvious political bias, and countries will expand their jurisdiction indefinitely to protect their own interests [3].

As a necessity, with people of all countries seeking cooperation to jointly prevent and control the occurrence of international terrorism crime, the punishment thereof involves the use of standardized

means. The international community's response is mainly reflected in the anti-terrorism cooperation between countries and regions, and the United Nations plays a vital role in this regard. The standardized punishment is the trend of future development and the most effective approach [4]. Moreover, the ability of the International Criminal Court to try and administer it prevents countries from not punishing or selectively punishing for their own interests, ensuring that cases are tried in a more fair and just manner, which is conducive to the development of international rule of law [5].

3. RESULTS

In 1937, countries began to establish treaties to prevent and control international terrorism crime, starting from the source and effectively reducing the occurrence of violent terrorism incidents, but there was no clear definition and concept of international terrorism crimes. Countries spontaneously formed alliances to strengthen cooperation in punishing international terrorism crimes [6]. Although the positions of various organizations are different, these legislative efforts are the premise for ultimately reaching a consensus, and the international community is expected to reach a clear and unified definition of international terrorism crime. The major premise for the International Criminal Court to have jurisdiction over international terrorism crime is to reach an acceptable and recognized definition of international terrorism crime. Global anti-terrorism cooperation has more than half a century of practical experience [7]. The United Nations-led anti-terrorism strategic cooperation has completed a series of legislation and achieved objective results. Other countries are also working hard to punish and prevent international terrorism crime, providing a good environment for the



International Criminal Court to investigate and try international terrorism crime [8].

In the matter of including international terrorism crime in the jurisdiction of the International Criminal Court, there are disputes. One view is to include it in the category of crimes against humanity, which is not without merit as the behavior of some such crimes is no different from that of crimes against humanity, and in this case, the International Criminal Court surely has the power to investigate and try these crimes [9]. Another view is to add it to the Rome Statute as an independent crime. However, according to the principle of legality of crimes, the International Criminal Court has no jurisdiction over international terrorism acts, meaning international terrorism crimes haven't developed into the most serious international crimes. Later, if the development of international terrorism crime becomes more and more serious and its destructiveness reaches the level of one of the most serious crimes in the international community [10].

4. DISCUSSION

In the realm of international terrorism crime, lacking a unified definition and clear delineation along with behavioral characteristics which are connected to its extreme ideology; throughout the 20th century's global political struggles, the most severe violent conflicts being triggered by ethnic separatism with maybe certain ethnic groups attaining national autonomy, national independence or separation through violent means [11]; international terrorism crime possessing a strong political hue, different countries drawing varying conclusions based on their own positions and still having contentious behaviors in the definition, and in the current society with a proper corresponding legal system for cyberspace not being established and terrorists commencing to use the Internet to carry out terrorism activities, all these resulting in the inability to reach a unified definition of international terrorism crime [12].

As for the International Criminal Court, the issue lies in the absence of a supervisory guarantee mechanism. In spite of the fact that the Rome Regulation stipulates that the International Criminal Court is capable of requesting any country to cooperate in judicial affairs, there are no corresponding measures through which the requests of the International Criminal Court can be implemented. This lack of a guarantee mechanism is one of the significant factors contributing to the current awkward situation of the International Criminal Court [13]. In the situation where the International Criminal Court hears a case

and the contracting states or non-contracting states involved do not cooperate or carry out the case, then how is the International Criminal Court going to deal with it? Many cases of the International Criminal Court remain unfinished, precisely because of the absence of a supervisory guarantee mechanism [14].

Regarding including international terrorism crimes as independent crimes within the jurisdiction of the International Criminal Court, countries and international organizations have acknowledged that international terrorism crimes have gradually evolved into international crimes. However, it is still controversial whether and how the International Criminal Court should acquire the power to punish international terrorism crimes. Although the types of behavior of international terrorism crimes overlap with those of crimes against humanity, there are essential differences between the two. Crimes against humanity focus on human nature, whereas international terrorism crimes focus on filling the public with fear to achieve their goals. Hence, it is more preferable to incorporate it within the jurisdiction of the International Criminal Court as an independent crime [15].

In the domain of the international community, as an issue that has been sought after, the unification of the definition of international terrorism crime is of great significance. Concerning the "Comprehensive Convention on the Suppression of Terrorism" formulated by the United Nations, currently, it is in the course of negotiation. Despite the formulation of the draft, after two decades of negotiations, certain issues still remain unresolved. As for the present situation, undoubtedly, it is challenging to achieve a unified definition of international terrorism crime. We can start from two aspects: Firstly, with the aim of facilitating the comprehensive negotiation of the comprehensive convention on the suppression of terrorism. The United Nations, which has the ability to punish and prevent international terrorism activities on a global scale, can coordinate and organize anti-terrorism cooperation among countries, thereby enabling countries around the world to give full play to their anti-terrorism roles. Additionally, the international community should follow the guidance of the United Nations. Countries or organizations should actively engage in the negotiation of the convention, enhance communication, and expedite the passage of the comprehensive convention on the suppression of terrorism as soon as possible [16]. Moreover, countries should reinforce peaceful dialogue among themselves and abandon their own extreme political interests. Undoubtedly, joint governance is the inevitable trend for the smooth



progress of the current society. Punishing crimes requires the cooperation among countries or organizations. Equal dialogue on international terrorism crime should be conducted, and active consultations should be initiated to find a balance point that is acceptable to both sides.

By means of establishing an ICC supervision and guarantee mechanism, for instance, setting up a supervision department within the ICC to ensure the operation of the ICC from various aspects. In cases where the requested state fails to cooperate or refuses the execution of the court's judgment and compulsory measures, it is possible to urge the state with the obligation to cooperate to fulfill its obligations. And when the execution cannot be carried out, a statement can be made to the outside world to let the international community be informed, thereby realizing the supervision and guarantee capabilities through the condemnation of public opinion in the international community. Simultaneously, cooperation with the United Nations should be strengthened, so that the handling of cases can rely on it to achieve better progress in the requests or judgments of the ICC and to better promote the trial process of the case or the execution of the judgment. Moreover, as the governance of international terrorism crime cannot rely on a single national institution and international cooperation is an inevitable trend, the International Criminal Court, when it itself does not have coercive force, opts to cooperate with international organizations such as Interpol, which is an important institution established by the international community to combat international crimes. Through this cooperation, on the one hand, the means of protection can be enhanced to better combat serious international crimes, and on the other hand, coercive force can be obtained in a simpler manner, being more easily operable compared with increasing the coercive force for the International Criminal Court itself. Additionally, countries should also enhance dialogue.

5. CONCLUSION

Considering the drawbacks of the International Criminal Court itself and the hindrances in punishing international terrorism crimes by the International Criminal Court, feasible solutions are put forward. Through the investigation and trial of international terrorism crimes by the court, not only can a better governance of international terrorism crimes be accomplished, but also the International Criminal Court can come closer to the expectations of the international community when it was established,

thereby achieving a more desirable international order and international peace.

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