



Ukraine's submission to the jurisdiction of the International Criminal Court: The Rule and Responses

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Abstract. The international conflict between Russia and Ukraine has been ongoing for more than a year. The invasion carried out by the Russian side has caused various losses in the form of loss of life and property as well as massive damage to public facilities in several regions of Ukraine. The International Armed Conflict (IAC) has brought Ukraine into extraordinary circumstances. Many of the international community also voiced a plea to stop the invasion by Russia. Not only that, the International Criminal Court (ICC) has also stated that the invasion by Russia violated the Rome Statute. In this case, Ukraine submitted itself to the jurisdiction of the ICC in the hope that the gross human rights violations that occurred in Ukraine could be reduced, especially after the Crimea conflict in 2014. This submission by Ukraine is like a double-edged sword, where the imposition of punishment on Russia is still possible; on the other hand, Ukraine itself can also be a perpetrator of gross human rights violations in its own territory.

Keywords: Ukraine Submission, Jurisdiction, International Criminal Court

1 Background

The international community appears marked by two factors, namely the existence of cooperation and peaceful coexistence, and the existence of disputes between the international community. International disputes are divided into armed disputes and non-war disputes [1] Disputes can be for various reasons, maybe due to political reasons, military strategy, economics or ideology, or a combination of these interests [2]. When this happens, international law plays a strategic role in its resolution.

International law is developing very rapidly, so the actors who influence its formation must also be more aggressive in responding to globalization and regionalization [3]. International law not only regulates interactions between countries that are good but also regulates interactions between countries that are bad and the settlement mechanism. As for the factors that make international law regulate interactions between countries that are bad, namely the very fast development of the times, where various

countries have different goals this can cause disputes between countries. Through international law, countries are expected to be able to resolve disputes peacefully and without bloodshed, or if these countries cannot resolve disputes peacefully, then countries can choose the path of violence, one of which is war.

The peaceful resolution of international disputes is the main mission of dispute resolution and is also a major part of the UN system [4]. An appeal to resolve disputes peacefully is included in Article 2 paragraph (3) of the United Nations (UN) Charter which states: "*All members shall settle their international disputes by peaceful means in such a manner that international peace and security are not endangered* [5].

In the territory of a modern state, armed conflict should be avoided, and more priority to settlement by peaceful means [6]. Public opinion has been convinced that armed conflict between populations is inconsistent with national law. Influenced by this situation as well as by the denial of the right to wage war as a national political tool, many people often view war and the law as contradictory to one another. Such a view ignores the fact that states are sovereign and there is no central power over them that can strengthen international law. This armed conflict cannot always be avoided. International law recognizes this fact, but besides that, it also talks about obligations that reduce the right to fight and rules that arise between the parties to a dispute by using armed force. So even though the occurrence of violence means that peaceful relations have ceased, certain obligations apply between the warring parties. Thus, war is a condition regulated by international law.

Arrangements regarding war are regulated through a branch of law in international law called International Humanitarian Law. International humanitarian law is an important provision for members of the military to comply with in times of armed conflict or war to regulate military behaviour towards enemies, militias, or people who are not participating in the war. International Humanitarian Law covers the protection of all persons in armed conflict, whether in the context of International Armed Conflict or Non-International Armed Conflict. These people include civilians, wounded soldiers, and prisoners during armed conflicts. In addition, humanitarian law provides special protection for civilian objects used by the people and does not support military forces or neutral objects in a war such as schools, cultural heritage objects, residential areas, important installations, objects important for the survival of the population and places of worship [7].

Arrangements regarding the limitation of war are not only through these written rules but also through the principles of international humanitarian law. These detailed arrangements aim to reduce and limit excessive and inhumane warfare. However, even though there are detailed rules regarding war, there are still many violations in war committed by states or non-state subjects. Therefore, the International Criminal Court was formed to try international criminal violations including crimes in armed conflict or what are commonly referred to as war crimes.

In this International Armed Conflict between Ukraine and Russia, the ICC has a basis to work because Ukraine has submitted itself to ICC Jurisdiction. Ukraine's resignation has been made since 2014 for the ICC's jurisdiction in the 2013 case and the second statement stated the extension of the time for public submission of alleged ongoing crimes throughout the territory of Ukraine from 20 February 2012 onwards.

Where although not as a party to the Rome Statute, the Government of Ukraine declares that it fully accepts the ICC Jurisdiction.

The international conflict that occurred between Ukraine and Russia has cost lives and property damage is quite large. According to a report by the United Nations Human Rights Office of the High Commissioner (OHCHR), as many as 2,224 people have been killed and 2,897 people injured and damage to public buildings or civilian objects is also quite a lot, such as churches, office buildings and housing for civilians [8]. This International Armed Conflict has harmed both countries and both are also in a state not one hundred percent right or wrong. So, the accuracy of the ICC Prosecutor is very much needed in law enforcement efforts.

The problem is what became Ukraine's rationale for remaining subject to ICC Jurisdiction seeing that the conflict with Russia at the outset indicated there would be violations of the Laws of War which were difficult to avoid when an armed conflict occurred. What's more, it is only the Ukrainian government that submits itself, so it will be difficult to act against Russia. Moreover, Russia is still one of the permanent countries in the Security Council that has Veto Rights. Apart from that, with the submission made by Ukraine to the ICC, what are the juridical consequences of this conflict between Ukraine and Russia? Moreover, Russia has vetoed the UN Security Council Resolution (UNSC) requesting Russia to stop the attack on Ukraine [9].

Finding this Juridical impact is very necessary considering that Russia itself is a very large country and is a permanent member of the UN Security Council so the power of the ICC will become a world concern. The test of the firmness of the UN or the UN Security Council and the ICC are the main milestones in returning the world's people's trust in them where the UN Security Council and the ICC are also still silent about Israel v. Palestine. On the other hand, even though Russia seems to be the main suspect, this does not rule out the possibility that Russia's claims related to Ukraine's gross human rights violations in Donetsk, and Iziium also occurred.

2 Method

This article is normative legal research using a legal conceptual approach and a statutory approach. The primary legal material used is international rules related to the jurisdiction of the International Criminal Court. This article uses the analysis technique of analytical prescriptive legal material and for conclusions uses the legal syllogism method and conceptual approach.

3 Discussion

3.1 Chronology of Russia's Attack on Ukraine

The conflict between Russia and Ukraine has started since March 2021, when the Russian government began to place its military troops on the border between Russia and Ukraine [10]. Meanwhile, the issue of a Russian attack on Ukrainian territory has been

rolling since November 2021, reinforced by evidence that a satellite shows a build-up of Russian troops on the Ukrainian border. Warnings have been given by Western countries so that Russia does not attack Ukraine, the problems experienced by the two countries do not show a bright spot or the word peace. However, it was not until February 24, 2022, that Russia launched a full invasion of Ukrainian territory from Belarus to the North and Russia also annexed Crimea to the east [11].

Russian President Vladimir Putin himself stated "We decided to launch a special, military operation in Ukraine" which led to the start of a land, sea, and air invasion of Ukraine[10]. With President Putin's statement, the international conflict between Ukraine and Russia has begun. Seeing Putin's statement, Ukrainian President Volodymyr Zelensky responded by stating that he would implement Martial Law and general mobilization.

The conflict that has been going on for more than a year has claimed many victims, especially from the Ukrainian side. Apart from the loss of life, victims of property also did not escape this incident. In addition, the impact of the international conflict between Russia and Ukraine has also caused problems for European countries that have to accept the mass influx of refugees entering their territory.

During the seven days of Russia's attack on Ukraine, the United Nations (UN) stated that at least 136 Ukrainian civilians had died because of Russian attacks. The data confirmed by the United Nations differs greatly from a statement issued by the Ukrainian emergency services, which says that there have been 2000 Ukrainian civilians killed because of Russian attacks [12].

On February 25, 2022, Ukrainian Interior Ministry official Vadym Denisenko said that Russian troops dropped bombs on at least 33 public facilities in the past 24 hours [13]. Ukrainian President Volodymyr Zelensky shared a video recording via his Twitter account on March 10, 2022, of a Maternal and Child Hospital located in the city of Mariupol, Southern Ukraine. The hospital, located in the port city, was destroyed by a missile attack carried out by Russian troops. As a result of the destruction of the hospital building, many children were buried under the rubble of the building. At that time, it was reported that there were 17 injured and 3 dead including a child [14].

On the 45th day since the Russian attack on Ukraine, namely Friday 8 April 2022, it was reported that there was a missile attack by Russia on the train station located in the East Ukrainian city of Kramatorsk. The attack was carried out by 2 missiles which when reported to have killed 52 victims including 5 children among them. The train station is said to be one of the refugee camps for Ukrainians, so at the time of the missile attack, there were at least 4000 civilians [15].

On the same day, April 8, the Ukrainian president said that in the cities of Bucha, Borodyanka, and Hostomel there were attacks that caused the destruction of several properties belonging to civilians. The 3 cities are said to have turned into "mass graves" due to the large number of bodies lying on the roads, in the town of Bucha, which is located near the Ukrainian capital Kyiv, there were at least 300 fatalities located on the main roads. Many public facilities or civilian objects were damaged such as apartments, houses, roads, and private cars belonging to Ukrainian civilians [16]. Moreover, more than 6,284,379 people have fled to Poland, 1,246,945 to Romania, 2,691,903 to Russia,

1,424,719 to Hungary, 798,232 to Slovakia, 618,738 to Moldova and 16,705 to Belarus [17].

In the case against Russia, the Prosecutor of the International Criminal Court (ICC) Karim Khan, warned Russia and Ukraine that the ICC could exercise its jurisdiction over and investigate any acts of genocide, crimes against humanity, or war crimes committed within Ukraine since 20 February 2022 [18]. Khan emphasized that any party who instigated, ordered, or contributed in any other way to commit such crimes, could be prosecuted by the ICC [19]. In addition, countries in the international world participated by ratifying this Convention, a total of 194 ratifying countries which then made the Geneva Convention universally applicable [20]. International Humanitarian Law in Additional Protocol I 1977 article 48 requires parties to a dispute to distinguish between civilians and combatants because the international community already has regulations governing war, particularly regulations governing armed conflict or armed conflict. The Geneva Convention or the Geneva Convention is an international effort in a diplomatic meeting that resulted in an agreement on humanitarian law on Armed Conflict or what we usually know as armed war, militaries involved in conflict, medical personnel, and civilians.

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3.2 Rationale for Ukraine's Submission of the Jurisdiction of the International Criminal Court in the Ukraine-Russia conflict

The International Criminal Court or the International Crime Court is governed by an international treaty called the Rome Statute of 1998. The Rome Statute only has jurisdiction over four serious human rights crimes, namely [21]:

- a) Genocide (Genocide);
- b) Crimes against Humanity;
- c) War Crimes (War Crimes); and
- d) Crime of aggression (Aggression).

These 4 crimes are the main requirements of the jurisdiction of the ICC to be enforced in a case of human rights violations.

Ukraine itself has not been a member of the Rome Statute until now, however, Ukraine has accepted the jurisdiction of the ICC and all arrangements contained in the Rome Statute can apply to its territory in accordance with Article 12 (3) of the Rome Statute itself [22]. The first acceptance of jurisdiction was carried out in the context of all gross human rights violations that occurred in the territory of Ukraine from November 21, 2013, to February 22, 2014. The second submission was carried out with the statement that Ukraine accepted the jurisdiction of the ICC for all crimes that occurred

in the territory of Ukraine starting on 20 February 2014. So, when viewed from the statement, the current conflict in Ukraine involving Russia can also be included in the jurisdiction of the ICC.

Ukraine also adopted the implementation of the Rome Statute through the Ukrainian Parliament “Verkhovna Rada” with Bill no. 2689 “On amendments to certain legislative acts on the Enforcement of International Criminal and Humanitarian Law”. The adoption of the bill is a historical development that allows Ukraine to achieve accountability for international crimes committed in Eastern Ukraine and the occupied territory of Crimea in the context of the ongoing 7-year armed conflict and offers an efficient domestic avenue for justice for victims of atrocities.

The implementation of the Act aligns Ukraine with its commitments stemming from various international and European instruments, such as the EU-Ukraine Association Agreement. The bill empowers Ukrainian judges and prosecutors to investigate, prosecute, and prosecute conduct that has been criminalized under International Law, which, although not enforced, has bound Ukraine either through international instruments that Ukraine has ratified or as part of custom. International law is binding on all countries. To effectively investigate and prosecute international crimes, Ukraine established a “Special Oversight Department in Criminal Proceedings for Crimes Committed in Armed Conflict” in October 2019. Thus, the adoption of the Law will enable it to operate effectively by implementing domestic criminal law in harmony with international legal standards.

The first reading of the Bill took place successfully on 17 September 2020, with 271 votes in favour of the 347 Members present. After the second and final reading, and after being signed by the President of Ukraine, Bill 2689 will effectively amend the Criminal Code of Ukraine, addressing the gaps that existed previously. In its usefulness, Bill 2689 enshrines the principles of international criminal law, including command responsibility [23]; equip Ukraine with universal jurisdiction to effectively combat impunity even for acts without ties to Ukraine; including provisions on crimes against humanity, if not missing in the previous prevailing laws and regulations; and define war crimes in accordance with the requirements of International Law. Since only international crimes are exempt from statutory limitations, an accurate qualification of these acts today is critical to bringing those responsible to justice, even in the distant future.

Based on the violations that occurred in Ukraine that have been described previously where there were many civilian casualties caused by the attack from Russia, Ukraine gave legal authority to the ICC to conduct investigations into these violations. The declaration of Ukraine's surrender to the jurisdiction of the ICC was made because both Russia and Ukraine are not member states of the ICC.

3.3 Juridical Consequences of Ukraine's Submission to the Jurisdiction of the International Criminal Court in the Ukraine-Russia conflict

Violence settlement is permitted when a peaceful path is not reached in obtaining justification [24]. Two exceptions can be used in violence: first, there is a real threat to peace, disturbance to peace and security, or acts of aggression; second, self-defense is regulated by Article 51 of the UN Charter [25]. However, the notion of "self-defense"

currently includes the concept of pre-emptive self-defense, which has caused political controversy [26]. This is because the concept deviates from the traditional understanding regarding the principle of self-defense [27].

The International Criminal Court (hereinafter abbreviated as ICC) is an institution that is permanent and intended to exist in the long term. The ICC is basically an international organization which is also a judicial organ. Given that the ICC is an international organization with a judicial nature, there are two important aspects that emerge from these characteristics. The first aspect concerns the status of the ICC as an international organization, which to some extent is a subject of international law. The second aspect relates to the jurisdictional authority possessed by the ICC as a judicial organ. Provisions regarding the status of the ICC are contained in Article 1 of the 1998 Rome Statute which states that:

“...shall be a permanent institution and shall have the power to exercise its jurisdiction over a person for the most serious crimes of international concern...and shall be complementary to national criminal jurisdiction”

Based on the above provisions, it appears that the ICC is a permanent institution and is intended to exist in the long term. Therefore, the issue of the legal status of the ICC and other subjects of international law becomes important. In general, it is understood that the issue of the legal status of an international institution involves at least two interrelated aspects, namely legal personality, and legal capacity. In this regard, the ICC has jurisdiction or legal authority both over areas and other matters related to regulated crimes.

The International Crime Court has 123 member states, but Russia and Ukraine are not members of the ICC. A few days after Russia's attack on Ukraine began, Ukraine declared that it accepted the jurisdiction of the ICC, meaning that the ICC could conduct investigations into alleged war crimes on Ukrainian territory.

In the domestic legal system, more than one judicial institution is formed, each of which has the authority to adjudicate which is limited by its jurisdiction. The limited legal area aims to facilitate the administration of justice. With a limited legal area, it is hoped that a judicial organ can streamline its resources to carry out its functions. The Rome Statute confirms that the ICC can carry out its functions and authorities in the territory of a state party in the 1998 Rome Statute, but the ICC can carry out its functions and authorities in the territory of a non-party state if a special agreement is made. The territorial jurisdiction of the ICC depends on the initiative to submit a case to the ICC, this is regulated in Article 2 Paragraph 2 of the ICC Rome Statute, namely:

In the case of Article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3:

“1. (a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft.

2. (b) The State of which the person accused of the crime is a national.”

It can be said that basically, the ICC has jurisdiction in the territory of a state party to the 1998 Rome Statute. In addition, it can also be interpreted that the ICC can have jurisdiction in the territory of a non-party State if the perpetrator is a citizen of a country party to the 1998 Rome Statute. The courts also have jurisdiction over crimes committed within the territory of states that accept their jurisdiction based on ad hoc declarations and over territories determined by the Security Council [28]. Territories or territories are expanded not only to include land. Arrangements in the Rome Statute of the concept of territory also include ships (onboard vessels) and aircraft (aircraft) registered in participating countries.

For the Court to exercise its jurisdiction, a country that ratified the 1998 Rome Statute must accept the jurisdiction of the Court. This means that the act of ratifying the Rome Statute by a country does not mean that the Court can exercise its jurisdiction in that country. For this reason, action is still needed from the country concerned and declares that the country accepts the jurisdiction of the Court. This is regulated in Article 12 paragraph (1) of the Rome Statute, the contents of which are as follows:

“A State which becomes a Party to this Statute thereby accepting the jurisdiction of the Court with respect to the crimes referred to in article 5.”

Pursuant to the 1998 Rome Statute, the International Criminal Court has jurisdiction over nationals of non-member states in the following circumstances:

- 1) “In cases submitted by the UN Security Council to the International Criminal Court.
- 2) In the case of a citizen of a non-member state committing a crime in the territory or territory of a member country of the Rome Statute or a country that has accepted the jurisdiction of the International Criminal Court in relation to said crime; and
- 3) In the case of a non-member state having agreed to exercise jurisdiction in relation to certain crimes.”

One more argument that can be put forward to support the ICC's jurisdiction over non-state party citizens is that Article 27 of the 1998 Rome Statute governing the irrelevance of official positions stipulates as follows:

- 1) The Statutes apply equally to all persons without any distinction on the basis of official position. In particular, official office as a head of state or government member of a government or parliament, elected representative, or government official in no way exempts a person from criminal responsibility under the statute. Similarly, in the case of himself, it is not a reason to reduce the sentence.
- 2) Immunities or special procedural provisions which may be related to the official office of a person whether under national or international law do not preclude a court from exercising its jurisdiction over that person.

In addition to Article 27, which is also closely related to this issue, Article 28 stipulates in detail that a superior, whether military or civilian, must be held criminally responsible when a crime is committed within the jurisdiction of the ICC by his subordinates. This article aims to be able to punish the most responsible person, even though that person has a position as a power holder which is often difficult to reach by law. Thus Articles 27 and 28 of the 1998 Rome Statute strengthen the ICC's jurisdictional support for citizens from non-state parties because universal jurisdiction applies to international crimes that fall under the jurisdiction of the ICC. Immunity is irrelevant for anyone, from any country, including from non-state party countries and in any capacity or position.

The International Criminal Court (ICC) has started an investigation into war crimes in Ukraine after Russia was accused of launching attacks on civilians. The ICC's chief prosecutor said that his party was currently gathering evidence for alleged war crimes, crimes against humanity, and genocide committed by Russia. An investigation was opened at the request of 39 countries, but Russia denies it targeted civilians. A few cities, including Kyiv, Kharkiv, and Kherson, have been attacked in recent days. Ukrainian President Volodymyr Zelensky accused Russia of war crimes after Russia launched airstrikes in Kharkiv, which killed civilians.

Human rights groups and Ukraine's ambassador to the United Nations have also accused Russia of using vacuum bombs in the attack in the north-eastern Ukrainian city of Okhtyrka. A vacuum bomb is a thermobaric weapon that can cause great destruction by exploding fuel in the form of a gas mist. There is no international law that specifically prohibits its use, but if a country uses it to target a civilian population in residential areas, schools, or hospitals, it can be charged with war crimes under the Hague Conventions of 1899 and 1907. The Kremlin denies any use of cluster bombs and vacuum bombs. They dismissed the accusations, calling it 'fake news'. Russia's Defense Minister, Sergey Shoigu, said: 'Attacks are carried out only on military targets and use only high-precision weapons.' The crimes set out in Article 5 of the 1998 Rome Statute are crimes that fall under the jurisdiction of the International Criminal Court. However, not all cases that fall into the 4 (four) crimes can be tried in the International Criminal Court. This is because the International Criminal Court is not to replace the jurisdiction of the national courts of a country but is only complementary in accordance with the principles of the International Criminal Court.

The position of the ICC is only as a complementary institution for domestic courts owned by each country. This is confirmed in the Preamble paragraph 10 of the statute which states that emphasizing that the ICC establishment under this statute shall be complementary to national criminal jurisdiction. The same is also stipulated in Article 1 of the Statute.

The principle of complementarity in the Preamble as well as in Article 1 of the Statute is to accommodate opinions that the existence of the ICC will conflict with or interfere with the principles of sovereignty which are highly respected in international law. With its position as a complementary or secondary institution as set out above, primary jurisdiction remains in the hands of national institutions. National law takes precedence to be applied to international crimes that occur in the territory of the country concerned. The ICC can only prosecute a practice of crimes against humanity, war

crimes, crimes of aggression and genocide if domestic courts are unwilling or unable to carry out their functions [29]. Article 17 concerning issues of admissibility states that a case is inadmissible by the ICC if:

- a. *“The case is being investigated or prosecuted by a country that has jurisdiction over the case unless that country is unwilling or completely unable to carry out an investigation or prosecution.*
- b. *The case has been investigated by a country that has jurisdiction over the case, and that country has decided not to prosecute the person concerned unless the decision arises from the unwillingness or inability of that country to prosecute.*
- c. *The person concerned has been tried for an act which is the subject of the complaint and a trial by the court is not permitted under Article 20(3).*
- d. *The case is not serious enough to justify further action by the court”.*

In this case, the complementary nature of the International Criminal Court means that a case can be tried under the jurisdiction of the International Criminal Court if the country involved is unwilling or unable to try as stated in Article 17 of the 1998 Rome Statute so that the International Criminal Court can try cases, whether they have been tried by national courts or not, as long as it has evidence of being unwilling or unable during the trial process or from a decision issued by the relevant national court [30]. Therefore, if all conditions have been met, the International Criminal Court has the authority to try individual perpetrators of attacks proven to be a form of war crime, provided that the procedure for referring the same case has never been referred to the General Prosecutor of the International Criminal Court, and as long as the referral is made by the state members, the UN Security Council or the General Prosecutor of the International Criminal Court initiating the prosecution.

To determine the unwillingness of a country, the ICC must pay attention to the principle of due process which is recognized by International Law as follows:

1. *“Court proceedings are taken, or judgments are made with the intention of protecting persons who should be held responsible for crimes that fall under the jurisdiction of the ICC*
2. *there is an unjustified delay in the trial process, which is inconsistent with the aim of bringing justice to the accused.*
3. *the judicial process was not carried out independently or impartially. and carried out in certain ways and in certain situations, which are inconsistent with the aim of bringing the accused person to justice”.*

To determine the inability of the state, the ICC must consider whether there was a failure in total or in certain substances or the absence of a national justice system, the state was unable to arrest the accused, was unable to obtain important evidence and testimony, or another inability to carry out own judicial process [31].

Regarding Ukraine's agreement to submit to the ICC's jurisdiction in terms of investigating war crimes violations that occurred in its territory based on the conditions stipulated through the Rome Statute, namely a state statement regarding unwillingness or inability, the ICC has jurisdiction to investigate war violations. in Ukraine. States parties to the 1998 Rome Statute have territorial jurisdiction over all crimes that occur in their territory or territory. This applies to criminals from any country, whether party to the Rome Statute or not (non-state parties). If the crimes committed fall into the category of international crimes, then based on universal principles known in international law, all countries, including international courts, have jurisdiction over the perpetrators, regardless of the nationality of the perpetrators or the place where the crime was committed, and this is not contrary to international law. Because what happened in Ukraine was a war crime, the ICC also has the basis for exercising its jurisdiction to carry out investigations in Ukraine.

4 Conclusion

The fundamental consideration of Ukraine submitting itself to the jurisdiction of the International Criminal Court is that there were attacks from Russia that caused casualties from the civilian population, which is a violation of war. Ukraine made this statement of resignation because it is not a member of the ICC. Apart from that, Ukraine has also adopted several principles and regulations regarding international crimes listed in the Verkhovna Rada" Bill no. 2689 "On amendments to certain legislative acts on the Enforcement of International Criminal and Humanitarian Law. This means that Ukraine is serious about tackling war crimes in its territory by involving the ICC as an international criminal justice institution in investigating war violations between Ukraine and Russia.

The consequence of Ukraine's submission to the jurisdiction of the ICC in the context of investigating war violations that occurred in its territory is that the ICC has an obligation to carry out investigations in these cases. States parties to the 1998 Rome Statute have territorial jurisdiction over all crimes that occur in their territory or territory. This applies to criminals from any country, whether party to the Rome Statute or not (non-state parties). If the crimes committed fall into the category of international crimes, then based on universal principles known in international law, all countries, including international courts, have jurisdiction over the perpetrators, regardless of the nationality of the perpetrators or the place where the crime was committed, and this is not contrary to international law. Because what happened in Ukraine was a war crime, the ICC also has the basis for exercising its jurisdiction to conduct investigations in Ukraine.

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