



# Prosecutorial Policy Indicators of the Prosecutor of the International Criminal Court

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The prosecutorial policy of the Prosecutor of the International Criminal Court (ICC) plays a central role in the realization of international criminal justice and in ensuring accountability for serious international crimes. This article aims to analyze the main indicators of the Prosecutor's prosecutorial policy by examining the legal framework, judicial principles, and political, operational, and ethical indicators. An examination of the legal framework shows that the Prosecutor's decisions must be based on legal authority, the principles of legitimacy and justice, and the limitations of the Rome Statute. Judicial indicators include prioritization of cases, analysis of evidence, and an emphasis on deterrent and preventive justice. In addition, political and international indicators—such as interaction with the Security Council and diplomatic pressures—can play a decisive role in the selection of cases, while operational and ethical indicators, including resource management, transparency, and respect for the rights of both defendants and victims, contribute to maintaining the legitimacy and effectiveness of prosecutorial policy. An analysis of practical examples demonstrates that the success of prosecutorial policy requires a balance between judicial effectiveness, prosecutorial independence, and adherence to human rights standards. The findings of the article emphasize that transparency, accountability, and ethical commitment are indispensable indicators in the design and implementation of prosecutorial policy, and that they can contribute to enhancing justice and legitimacy of the Court at the international level.

**Keywords:** *Prosecutorial Policy of the Prosecutor; International Criminal Court; Legal and Judicial Indicators; International Criminal Justice; Transparency and Accountability*

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## 1. Introduction

The role of the Prosecutor at the International Criminal Court (ICC), as the central actor in the implementation of international criminal justice, holds exceptional significance. The Prosecutor is not only responsible for selecting cases and directing investigations, but also for determining which crimes

should be prioritized, what evidence must be collected, and how prosecutions should be conducted in accordance with human rights principles and the rights of victims. This responsibility, considering the scope and complexity of international crimes, the geographical dispersion, and the limited resources of the Court, requires the formulation and implementation of a prosecutorial policy that functions as a practical and



analytical framework for guiding prosecutorial decisions.

The prosecutorial policy not only determines the path for case selection and the prioritization of investigations but also ensures that prosecutorial decisions are taken in compliance with legal, judicial, ethical, and political principles (Bådagård & Klamberg, 2016). The definition of prosecutorial policy demonstrates that this concept goes beyond a mere administrative strategy; it encompasses a set of multidimensional indicators that, through their interaction, shape prosecutorial decisions. These indicators include legal, judicial, political, operational, and ethical–human rights dimensions, each playing a complementary role in achieving the objectives of international criminal justice.

Legal indicators, such as the powers and constraints of the Prosecutor and the determination of the Court's jurisdiction, establish the legal framework for prosecutorial decisions. Judicial indicators, including case prioritization, rigorous analysis of evidence, and a focus on deterrent and preventive justice, ensure that prosecutorial policy is both effective and fair. Operational indicators, including the management of human and financial resources, selection of investigative methods, and case scheduling, provide the basis for the practical and effective implementation of prosecutorial policy.

Political and international indicators, such as engagement with the Security Council, cooperation with member states, and the management of political pressures, reveal that prosecutorial policy is executed within a complex context of diplomatic and international considerations. Ethical and human rights indicators emphasize respect for the rights of the accused and victims, transparency and accountability, and commitment to international human rights standards, thereby ensuring the legitimacy and social acceptance of prosecutorial policy.

The necessity of examining the indicators and factors influencing prosecutorial decisions is significant from two perspectives. From a legal perspective, analyzing legal limitations and prosecutorial powers, as well as the adaptation of crimes to the Rome Statute, clarifies the legal foundations of prosecutorial policy and ensures that the Prosecutor's actions are legitimate and defensible. From a practical and strategic perspective, identifying judicial, operational, political, and human

rights indicators enables better management of limited resources, prioritization of cases, and anticipation of environmental challenges and pressures.

Experiences from the situations in Uganda, the Democratic Republic of Congo, and Libya illustrate that the success of prosecutorial policy in practice results from the coordination of these indicators and the smart management of challenges. For example, the Ugandan situation demonstrated that focusing on leaders of armed groups and collecting comprehensive evidence can generate significant deterrent effects. The Congolese situation highlighted the importance of balancing political pressures, operational constraints, and the rights of victims, while the Libyan situation emphasized the necessity of access to evidence, resource management, and operational flexibility.

Accordingly, the importance of analyzing indicators and influencing factors lies in the fact that prosecutorial decisions may be shaped by legal limitations, available resources, political pressures, and ethical–human rights obligations. Precise knowledge of these indicators allows for transparent and scientific analysis of prosecutorial policy and provides pathways to strengthen prosecutorial independence, justice, and the legitimacy of the Court (Greenawalt, 2007).

The aim of this article is to provide a comprehensive and systematic analysis of the indicators of the Prosecutor's prosecutorial policy and to examine their impact on the realization of international criminal justice. The main research questions include identifying influential indicators, examining their interactions, analyzing their role in enhancing transparency, efficiency, and legitimacy of prosecutorial policy, and identifying challenges and constraints associated with prosecutorial decisions. Addressing these questions provides a holistic picture of prosecutorial policy and offers solutions to improve its effectiveness and transparency. Ultimately, this article demonstrates that the Prosecutor's prosecutorial policy is a multidimensional and dynamic process, the success of which depends on the coordination among legal, judicial, operational, political, and ethical indicators, with effective management of these dimensions serving as the key to achieving international criminal justice and strengthening both public and international trust in the Court.

## 2. Materials and Methods

This study employed a descriptive–analytical method and relied on library sources for the preparation of the article.

## 3. Discussion

### 3.1. *Theoretical Foundations of Prosecutorial Policy*

In this section, the theoretical foundations of the ICC's prosecutorial policy are explained, followed by an examination of its key indicators.

#### 3.1.1. *The Legal Framework of Prosecutorial Decision-Making*

The Rome Statute, as the constitutive document of the International Criminal Court, defines the powers of the Prosecutor through a set of explicit provisions. According to Articles 15 to 53, the Prosecutor is authorized to initiate investigations, evaluate cases, and determine whether to prosecute an accused person (Bådagård & Klamberg, 2016). Article 15 grants the Prosecutor the authority to initiate investigations proprio motu, while subsequent articles establish procedural frameworks, the requirement of referrals by member states or the Security Council, and case management guidelines (Greenawalt, 2007).

This collection of provisions not only reinforces the independence of the Prosecutor in decision-making but also delineates his or her legal constraints and obligations, such that decisions must comply with both the principles of the Statute and international standards. Despite broad powers, the Prosecutor is bound by legal limitations and responsibilities. These include adherence to the principle of legality, respect for the rights of the accused, and compliance with standards of reliable evidence (Lovat, 2011). Moreover, the Prosecutor is obliged to maintain a balance between the effectiveness of prosecutions and the protection of the rights of victims and the international community. Observance of these limitations not only strengthens the legitimacy of prosecutorial actions but also enhances public and international trust in the Court (Davis, 2025). The prosecutorial policy of the Prosecutor is directly connected to the principles of international criminal justice. This policy provides a framework for prioritizing cases, allocating resources, and selecting investigative

approaches (Brubacher, 2004). From the standpoint of criminal justice, prosecutorial policy should be designed to ensure both deterrence and prevention of international crimes, while also achieving restorative justice for victims. Furthermore, ensuring transparency and accountability in decision-making processes constitutes a fundamental indicator of the alignment of prosecutorial policy with the principles of international criminal justice (Kotecha, 2020). Accordingly, the legal framework of the Rome Statute not only defines the Prosecutor's powers and responsibilities but also creates the foundation for aligning prosecutorial policy with the standards of international criminal justice.

#### 3.1.2. *General Principles and Criteria in Prosecutorial Policy*

The most important general principles and criteria in prosecutorial policy include: the principle of legitimacy and justice; the principle of selectivity; and the principles of effectiveness and prioritization of prosecution, which will be addressed below. The principle of legitimacy and justice constitutes one of the fundamental indicators of the prosecutorial policy of the ICC Prosecutor. Prosecutorial policy must be designed in such a way that it both preserves the independence and credibility of the Court and secures justice for victims and the international community (Greenawalt, 2007). Legitimacy here means the full conformity of the Prosecutor's decisions with the Rome Statute, international rules, and human rights standards. Observance of justice not only entails prosecuting those responsible for international crimes but also includes respecting the rights of defendants and ensuring transparency in judicial processes. This principle increases both public and international confidence in the Court and prevents bias or political pressure from shaping prosecutorial decisions (Bådagård & Klamberg, 2016).

The principle of selectivity allows the Prosecutor to choose cases that, in terms of significance, seriousness of crimes, impact on international justice, and evidentiary support, carry the highest priority. This principle demonstrates the flexibility of prosecutorial policy and ensures that the Court's limited resources are allocated effectively (Brubacher, 2004). Selectivity is exercised according to several key criteria: the gravity and scope of the crime, the situation of victims, the accessibility of

evidence, and the likelihood of success in court. Observance of this principle not only enhances the effectiveness of prosecutorial decisions but also strengthens the legitimacy of the Court at the international level.

Effectiveness and prioritization of prosecutions are among the other essential principles of prosecutorial policy. These enable the Prosecutor to allocate limited human and financial resources to cases that yield the greatest impact in achieving justice and accountability (Kotecha, 2020). This principle includes prioritizing cases based on the seriousness of crimes, the quality of evidence, and the enforceability of judgments. Moreover, the attention to effectiveness ensures that the Prosecutor's policy focuses on cases that maximize deterrence and prevention of international crimes. This approach further facilitates better case management and scheduling of investigations, while avoiding resource fragmentation.

### 3.1.3. *Theories and Approaches to International Prosecution*

The prosecution of international crimes by the ICC Prosecutor is guided by diverse theories and approaches that shape his or her objectives, priorities, and methods of decision-making. One of the most significant approaches is the international crimes and targeted prosecution approach, which emphasizes a focus on grave and large-scale crimes, and seeks to prioritize cases with the greatest seriousness and social impact (Schabas, 2017). This approach enables the Prosecutor to concentrate the Court's limited resources on cases that maximize the realization of international criminal justice and have substantial deterrent effects.

Another approach is the harm- and victim-based approach, which emphasizes securing justice for victims and addressing the harms suffered (Broomhall, 2003). This perspective ensures that prosecutorial decisions are guided not only by the seriousness of crimes but also by the level of harm and the needs of victims. Such an approach highlights the importance of restorative justice and the human dimensions of international crimes, ensuring that the Prosecutor's policy also responds to social and human rights expectations.

Additionally, a policy- and politics-oriented approach plays an important role in the decision-making process (Cryer, 2019). While the Court is expected to act

independently, the realities of international relations, diplomatic pressures, the role of the Security Council, and engagement with member states significantly influence the selection of cases. This approach demonstrates that the Prosecutor's policy in practice must continually balance judicial imperatives with political constraints. Managing this balance constitutes one of the greatest challenges for the Prosecutor and requires decisions that both preserve the Court's legitimacy and ensure the effectiveness of international criminal justice (Cryer et al., 2010).

The combination of these theories and approaches shows that the Prosecutor's policy is not merely a legal process, but the outcome of a complex interaction between the principles of criminal justice, the needs of victims, resource limitations, and political pressures. Recognizing and analyzing these approaches is essential for understanding how prosecutorial decisions are made, how priorities are determined, and how the effectiveness of international criminal prosecutions can be assessed.

### 3.2. *Key Indicators of Prosecutorial Policy*

In this section, the legal, judicial, political–international, operational, and finally ethical–human rights indicators will be discussed separately.

#### 3.2.1. *Legal Indicators*

The legal indicators of the prosecutorial policy of the ICC Prosecutor play a fundamental role in defining the scope of his or her powers and responsibilities. The Prosecutor's legal powers and constraints are defined by the Rome Statute and establish the legal framework for decision-making. These powers include initiating investigations proprio motu, receiving referrals from member states and the Security Council, collecting evidence, and deciding on the prosecution of suspects. At the same time, legal limitations—such as respect for the rights of the accused, the principle of legality, and the obligation to thoroughly assess evidence—ensure that prosecutorial decisions are consistent with international law and the principles of criminal justice (van den Herik, 2008). Observance of this legal framework not only preserves the Court's legitimacy but also prevents potential abuses of prosecutorial authority.

Another legal indicator concerns the determination of the Court's jurisdiction and the alignment of crimes with the Statute. The Prosecutor is required to examine whether the case in question falls within the subject-matter, temporal, and territorial jurisdiction of the Court. This process involves assessing whether the crime constitutes genocide, crimes against humanity, war crimes, or the crime of aggression, and whether it is connected to member states (Heller, 2011). Moreover, the determination of jurisdiction requires compliance with specific legal criteria that prevent the admission of irrelevant or inadequately supported cases while simultaneously ensuring that cases of genuine international significance are prosecuted. This indicator enhances the stability and coherence of prosecutorial policy and provides a sound basis for decisions aligned with international law.

Overall, the legal indicators of prosecutorial policy—including the Prosecutor's powers and limitations and the determination of jurisdiction—provide an organized legal framework for decision-making that both strengthens prosecutorial independence and effectiveness, and guarantees respect for the principles of international criminal justice and international law. Accurate understanding of these indicators is vital for analyzing prosecutorial policy, evaluating prosecutorial decisions, and designing strategies to enhance the efficiency and legitimacy of the Court.

### 3.2.2. *Judicial Indicators*

The judicial indicators of the ICC Prosecutor's policy play a central role in ensuring justice, transparency, and effectiveness in prosecutions. One of the most important judicial indicators is the prioritization of cases based on the gravity of crimes. The Prosecutor is required to select cases that, in terms of seriousness, scope, and social impact, are of greatest importance and whose prosecution can yield the strongest deterrent effect and realization of justice (Scharf, 2010). This approach allows for the allocation of the Court's limited resources to high-priority cases and prevents dispersal and diminished effectiveness in prosecution.

Another judicial indicator is the role of evidence and available information in decision-making. Prosecutorial decisions must be based on the careful evaluation of reliable evidence, documentation, and credible information. The collection, analysis, and validation of

evidence ensure that selected cases have a reasonable prospect of success in court and reduce the likelihood of violating defendants' rights (Klamberg, 2013). This ensures that prosecutorial policy is not only consistent with legal principles but also practically effective and defensible.

In addition, emphasis on deterrent and preventive justice is another key judicial indicator. The Prosecutor's policy must be designed to not only pursue offenders but also to create deterrent effects and prevent the commission of further international crimes (Hoffman, 2011). This indicator ensures that prosecutions do not merely result in punishment but also serve as a preventive and educational tool for international communities, reinforcing a culture of respect for human rights and international norms.

Overall, judicial indicators—including case prioritization, reliance on sound evidence, and an emphasis on deterrent and preventive justice—form the core foundations of the Prosecutor's policy and guarantee that prosecutions are both effective and consistent with the principles of international criminal justice.

### 3.2.3. *Political and International Indicators*

The political and international indicators of the ICC Prosecutor's policy have a significant influence on case selection, prioritization of crimes, and case management. The first indicator concerns the impact of international relations and political pressures. Although the International Criminal Court is an independent institution, in practice the Prosecutor's decisions may be influenced by political interactions among states, diplomatic relations, and international pressures (Hillebrecht, 2014). Such pressures may affect the timing of investigations, case selection, or the intensity of prosecutions, creating challenges in maintaining impartiality and legitimacy.

The second indicator is the Prosecutor's interaction with the Security Council and member states. The Rome Statute authorizes the Prosecutor, under specific circumstances, to initiate investigations and prosecutions upon referral by the Security Council or at the request of member states (Schabas, 2017). These interactions ensure that prosecutorial policy simultaneously responds to legal needs and political requirements. Managing such interactions demands



careful legal diplomacy and strategic planning so that the Court can pursue its objectives without undermining its legal independence.

The third indicator is preserving the independence of the Prosecutor in politically sensitive environments. Prosecutorial independence is a cornerstone of both the legitimacy and effectiveness of policy (Cryer, 2019). Even under international pressures and political threats, the Prosecutor's decisions must be based on evidence, the principles of international law, and the standards of criminal justice. The ability of the Prosecutor to safeguard independence ensures that prosecutorial policy remains both lawful and impartial, thereby fostering public and international trust.

Overall, the political and international indicators of prosecutorial policy include the impact of international relations, interaction with the Security Council and member states, and the preservation of prosecutorial independence in politically sensitive contexts. Understanding and managing these indicators is vital for effective prosecutions and for maintaining the legitimacy of the Court, playing a decisive role in the success of prosecutorial policy.

#### 3.2.4. Operational Indicators

The operational indicators of the ICC Prosecutor's policy are critical to ensuring the efficiency, effectiveness, and feasibility of prosecutorial decisions. One key indicator is the allocation of human and financial resources in managing investigations. The effective deployment of specialized staff, legal experts, and intelligence analysts, along with adequate budgetary support, allows for the pursuit of cases with high quality and in compliance with international standards (Heller & Nesi, 2016). Conversely, resource limitations can lead to delays in investigations, reduced depth of inquiry, and inadequate prioritization of cases, making optimal resource management an essential feature of prosecutorial policy. A second operational indicator is the selection of investigative methods and evidence-gathering techniques. The Prosecutor must determine appropriate approaches—such as witness interviews, crime-scene visits, and documentary analysis—based on the type of crime, regional circumstances, and practical constraints (Stahn, 2008). Proper selection of investigative methods not only increases the likelihood of success in court but

also ensures respect for the rights of the accused and guarantees the validity and reliability of evidence.

The third operational indicator concerns case management and the scheduling of prosecutions. The Prosecutor's policy must enable logical planning and scheduling of investigations, indictments, and judicial proceedings (Łagiewska, 2024). Effective case management involves coordinated follow-up between different divisions of the Court, reducing duplication of efforts, and strategically allocating resources to high-priority cases. This indicator ensures efficiency in prosecutions and contributes to the realization of justice while preventing unnecessary delays (Stahn, 2015).

In sum, operational indicators—including the management of human and financial resources, the selection of investigative methods and evidence-gathering, and case management and scheduling—constitute the practical foundations of the Prosecutor's policy and play a vital role in realizing international criminal justice and ensuring the Court's effectiveness.

#### 3.2.5. Ethical and Human Rights Indicators

The ethical and human rights indicators of the ICC Prosecutor's policy are among the essential pillars of the Court's legitimacy and credibility. The first indicator concerns the protection of the rights of defendants and victims. The Prosecutor must conduct prosecutions in a manner that ensures defendants' rights are respected in line with the principles of international criminal justice, including the right to defense, access to evidence, and a fair trial (Nartey, 2021). At the same time, attention to victims' rights—including access to justice, witness protection, and social rehabilitation—reflects the Court's commitment to restorative and humanitarian justice.

The second indicator is transparency and accountability to the public. Prosecutorial decisions, including case selection and the conduct of investigations, must be justifiable and transparent to preserve public and international trust in the Court (Bassiouni, 2010). The publication of regular reports, the provision of explanations on case selection criteria, and engagement with media and civil society organizations are among the tools for strengthening accountability and transparency. The third indicator is commitment to international human rights standards. Prosecutorial policy must align with human rights principles, international norms, and the Court's obligations. This commitment ensures that

the Prosecutor's actions always remain within a legal and ethical international framework, preventing any form of discriminatory or unjust practice (Van Schaack, 2011). Compliance with this indicator secures the legitimacy of the Court and promotes broad acceptance of its decisions at the international level.

Overall, the ethical and human rights indicators—including respect for the rights of defendants and victims, transparency and accountability, and adherence to international human rights standards—constitute the fundamental values of the Prosecutor's policy and guarantee that prosecutions remain both ethical and lawful.

### 3.3. *Challenges and Limitations in the Implementation of Prosecutorial Policy*

This section separately addresses the challenges and limitations concerning the implementation of prosecutorial policy.

#### 3.3.1. *Resource Limitations and Case Prioritization*

One of the most significant challenges in the implementation of the ICC Prosecutor's policy is the limitation of human, financial, and technical resources. The Court operates with a small number of prosecutors, legal experts, intelligence analysts, and support staff, and its budget remains constrained (Heller, 2011). These limitations prevent the simultaneous prosecution of all potential cases, making the careful prioritization of cases a necessity. Prioritization is based on the seriousness of crimes, the scale of impact on victims, and the availability of evidence, serving as an indispensable tool for managing scarce resources (Steinberg, 2020).

Nonetheless, this process creates challenges: decisions on which cases deserve higher priority require complex assessments of legal, social, and political dimensions. Moreover, some serious crimes may face delays or incomplete prosecutions due to resource limitations, potentially reducing both deterrent effects and the Court's legitimacy. Therefore, managing resource limitations and prioritization represents one of the most sensitive and decisive aspects of prosecutorial policy. Adopting effective strategies for resource allocation, optimizing human capital, and employing advanced information technologies can significantly mitigate these limitations and enhance prosecutorial effectiveness.

Understanding and managing these challenges is crucial to maintaining international criminal justice and strengthening public trust in the Court.

#### 3.3.2. *Political Pressures and International Diplomacy*

Another major challenge in implementing the ICC Prosecutor's policy lies in political pressures and the constraints of international diplomacy. Although the Court is an independent institution, in practice the Prosecutor's decisions take shape within an environment influenced by international interactions, diplomatic relations, and pressures from member states and the Security Council (Hillebrecht, 2014). These pressures may affect case selection, the timing of investigations, and the intensity of prosecutions, generating challenges for maintaining impartiality and legitimacy.

Engagement with international institutions, member states, and non-governmental organizations is an essential requirement of implementing prosecutorial policy, yet it also imposes limitations. For example, politically sensitive cases may require coordination with the Security Council or consultation with member states to avoid broad diplomatic repercussions (Schabas, 2017). This reality compels the Prosecutor to constantly strive to balance judicial independence with political obligations.

Preserving the independence of prosecutorial decision-making in politically sensitive contexts is thus a central challenge. Even under international pressure, prosecutorial decisions must be grounded in evidence, the principles of international law, and the standards of criminal justice (Cryer, 2019). The Prosecutor's ability to manage these pressures ensures that prosecutorial policy remains both lawful and impartial, thereby maintaining public and international confidence in the Court.

In sum, political pressures and international diplomacy represent a serious challenge to the implementation of prosecutorial policy. Effective management of these challenges is vital to preserving the legitimacy, independence, and effectiveness of the Court.

### 3.3.3. *Tension Between Criminal Justice and Political Interests*

One of the most complex challenges in implementing the ICC Prosecutor's policy is the tension between the principles of criminal justice and political considerations. Prosecutorial policy must pursue the judicial and legal objectives of the Court, including prosecuting perpetrators of international crimes, protecting victims' rights, and ensuring criminal justice. At the same time, political pressures and the security or diplomatic interests of member states and the international community may restrict or direct the Prosecutor's decisions (Dutton, 2013). This tension can result in highly significant cases being delayed or even removed from the docket due to political sensitivities. The conflict between criminal justice and political interests is especially evident in cases involving high-ranking officials or key political actors. In such situations, the Prosecutor must strike a difficult balance between the legal obligation to prosecute crimes and the need to maintain international relations (Weisbord, 2025). Poorly calibrated decisions in this regard can undermine the Court's legitimacy and diminish the credibility of prosecutorial policy. To manage this challenge, a transparent, evidence-based approach accompanied by legal-diplomatic strategies is essential. The Prosecutor must be able to anticipate political consequences and engage effectively with international institutions while safeguarding judicial independence and impartiality (Kerr, 2017). Ultimately, the tension between criminal justice and political interests remains one of the most complex constraints influencing prosecutorial policy and requires careful, strategic management to secure both the effectiveness and legitimacy of the Court.

### 3.3.4. *Complexity of International Cases and Access to Evidence*

Another major challenge in implementing the ICC Prosecutor's policy is the inherent complexity of international cases and the difficulty of obtaining evidence. International crimes are often large-scale, organized, and transnational, making the collection and documentation of evidence particularly difficult (Stahn, 2019). Cases may involve hundreds of witnesses, thousands of documents, and scattered digital evidence,

all of which require significant time and resources to analyze and authenticate.

Restricted access to evidence, especially in conflict zones or in states with limited cooperation with the Court, slows down investigations and sometimes creates a gap between the commission of crimes and the commencement of prosecutions (Broomhall, 2003). Insufficient evidence may cause even high-priority cases to stall until adequate documentation is secured, or require changes in case prioritization. To address this challenge, advanced investigative methods, close cooperation with national and international institutions, and the use of new technologies for data collection and analysis are indispensable (Stahn, 2010). Prosecutorial policy must remain flexible in order to adapt to practical limitations while still advancing the effective prosecution of international crimes. Thus, the complexity of cases and constraints on evidence access represent some of the most pressing challenges for the Prosecutor, necessitating careful strategies, sufficient resources, and broad international cooperation.

### 3.4. *Analysis of ICC Practice*

The examination of major ICC cases—such as Uganda, the Democratic Republic of Congo, and Libya—provides a clear picture of how prosecutorial policy is applied and how different indicators influence prosecutorial decisions.

The Uganda situation, which involved crimes committed by armed groups against civilian populations, exemplifies a targeted prosecution approach and the prioritization of cases based on the seriousness of crimes. By focusing on the leaders of armed groups, the Prosecutor allocated the Court's limited resources to cases with the greatest deterrent effect and impact on justice (Scharf, 2010). In this case, judicial and operational indicators—including the collection of precise evidence and case management—played a central role in advancing investigations.

The Congo situation, particularly cases involving war crimes and crimes against humanity, illustrates the interaction between legal, political, and human rights indicators. The Prosecutor had to balance the prosecution of key suspects with political pressures from member states, while also taking into account the rights of victims and the available evidence (Broomhall, 2003). This case demonstrated how political and international



indicators—such as engagement with the Security Council and management of political pressures—can influence case prioritization and prosecutorial timing.

The Libya situation, linked to the 2011 crisis and crimes against humanity, highlights the importance of operational indicators and evidence access. In this case, the difficulties of gathering information in conflict zones and the need for cooperation with national and international institutions underscored the role of human and financial resources, investigative methods, and precise case scheduling (Heller & Nesi, 2016). At the same time, respect for the rights of defendants and victims, and the assurance of transparency and accountability, clearly demonstrated the ethical and human rights dimensions of prosecutorial policy.

Analysis of these cases shows that the Prosecutor's policy is the product of a complex interaction between legal, judicial, operational, political, and ethical indicators. Successes have included the advancement of major cases, enhancement of the Court's legitimacy, and strengthening of deterrent effects. Yet criticisms have also arisen, including delays in investigations, resource constraints, political pressures, and difficulties in evidence access. This case analysis demonstrates that achieving international criminal justice requires careful management of these indicators and prosecutorial flexibility in confronting both practical and political challenges.

#### 4. Conclusion

The prosecutorial policy of the International Criminal Court (ICC) Prosecutor is a complex set of interrelated yet independent indicators that directly influence the realization of international criminal justice. The legal indicators—including the Prosecutor's powers and limitations, the determination of the Court's jurisdiction, and the alignment of crimes with the Rome Statute—form the legal foundation of prosecutorial policy and ensure that all prosecutorial actions are carried out within a defined legal framework consistent with the Statute. Without adherence to these indicators, prosecutorial policy cannot preserve its legal legitimacy, and any prosecutorial decision may be subject to doubt from a legal perspective.

Judicial indicators, such as the prioritization of cases based on the gravity of crimes, the rigorous analysis of evidence, and an emphasis on deterrent and preventive

justice, ensure that prosecutorial policy is not only lawful but also effective and efficient. These indicators enable the Prosecutor to focus on cases that have the greatest deterrent effect and impact on justice, while simultaneously maintaining a balance between prosecuting offenders and protecting the rights of victims.

Operational indicators, including the management of human and financial resources, the selection of appropriate methods for evidence collection, and the scheduling of cases, play a fundamental role in the practical implementation of prosecutorial policy. Any weakness in this area can affect the speed, quality, and depth of investigations.

Political and international indicators—including political pressures, engagement with the Security Council and member states, and the preservation of prosecutorial independence—demonstrate that prosecutorial policy is implemented in a complex global context shaped by diplomatic relations and political considerations. Balancing legal obligations and political pressures is among the most critical challenges in this field, and the Prosecutor's ability to manage these tensions determines the success or failure of prosecutorial policy.

Ethical and human rights indicators emphasize respect for the rights of defendants and victims, transparency and accountability, and commitment to international human rights standards. These ensure that prosecutorial policy, in addition to being effective, retains both legitimacy and social as well as international acceptance. An analysis of practical cases, such as Uganda, the Democratic Republic of Congo, and Libya, shows that successful prosecutorial policy is the product of coordination and balance among these indicators. In Uganda, the focus on leaders of armed groups and comprehensive evidence collection exemplified the application of judicial and operational indicators. In Congo, the attempt to balance political pressures, victims' rights, and operational constraints highlighted the importance of political and human rights indicators. The Libya case emphasized the significance of operational indicators, evidence access, and the management of complex international cases.

This analysis demonstrates that even when legal indicators are respected, weaknesses in operational or political indicators can reduce the effectiveness of

prosecutorial policy and place the Court's legitimacy at risk. To enhance transparency and efficiency, the Court must implement several measures. These include increasing transparency in the process of case selection and the prioritization of investigations, providing clear and documented reports to the public and international stakeholders, strengthening human and financial resources, and employing new technologies for evidence collection and analysis.

Moreover, maintaining prosecutorial independence in politically sensitive environments, reducing the influence of diplomatic pressures, strengthening ethical and human rights indicators, and ensuring respect for the rights of both defendants and victims are among the strategic measures necessary to improve the effectiveness of prosecutorial policy.

In conclusion, the analysis of indicators and challenges shows that the Prosecutor's policy is not a simple judicial process but rather a complex system of multidimensional decision-making. Its success depends on the coordination among legal, judicial, operational, political, and ethical indicators. Effective management of these indicators can help the Court achieve international criminal justice, strengthen public and international trust, and demonstrate that prosecutorial policy can be lawful, ethical, and effective at the same time.

### Authors' Contributions

Authors contributed equally to this article.

### Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

### Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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### Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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