

Abstract

The International Criminal Court (ICC) is like the superhero of international justice, swooping in to hold individuals accountable for the most serious crimes that shock the conscience of humanity. The Court has power to investigate and prosecute individuals for crimes like genocide, war crimes, and crimes against humanity. This article explored the role of the ICC in criminal justice in Africa, and the impact it has had on promoting accountability and justice on the continent. In achieving this, the doctrinal research method was resorted to and data were collected through reference to both primary sources and secondary sources. It was found that the ICC plays a crucial role in advancing criminal justice in Africa by holding perpetrators of the most serious crimes accountable, by deterring future atrocities, and by providing justice and redress to victims. While the ICC has faced criticism of bias regarding its focus on Africa, its role in advancing criminal justice in the continent remains significant. By complementing national efforts, promoting accountability, and upholding the rights of victims, the ICC could be strengthened to contribute to the broader goal of ending impunity for the most serious international crimes in Africa and around the world.

Keywords: Crime, Justice, Criminal Justice, International Criminal Court, Africa

1. Introduction

Given the numerous obstacles the continent has in preventing crime and giving victim justice, criminal justice in Africa has long been a contentious issue. The International Criminal Court (ICC) has been instrumental in tackling these issues by offering a means of punishing those responsible for crimes against humanity, war crimes, and genocide accountable. In July 2002, the International Criminal Court (ICC) in The Hague, Netherlands, commenced for business.¹ The international community's growing realization of the need for a permanent international tribunal led to its creation, which is the result of a long-standing desire for an international criminal court to ensure that the worst international crimes are not left unpunished. As a court of last resort, it was created to look into, prosecute, and trial cases involving the most serious crimes of international concern, such as war crimes, crimes against humanity, and genocide. The considerable compromise included in the court's statute was reached after several years of talks at the UN, during which a wide spectrum of non-governmental groups contributed significantly. This agreement, which outlines the court's constitution, was approved by the vast majority of nations worldwide during a diplomatic conference held in Rome on July 17, 1998.² Just a few days after being approved by sixty governments, the Rome Statute came into effect on July 1, 2002. As of this writing, the legislation has garnered unparalleled support in the history of international law, with over 105 governments having signed it and over 35 having ratified it.³ This amply illustrates the intention of the global community to turn the ICC into a useful weapon in the struggle against impunity.

Investigating and prosecuting those accountable for the most heinous crimes that shock the conscience of humanity is one of the ICC's primary responsibilities in Africa. Crimes against humanity, war crimes, and genocide are examples of this. When certain crimes are committed on a state party's territory or by a citizen of a state party to the Rome Statute, the treaty that founded the ICC, the ICC has jurisdiction over them. Because national courts have frequently been unable or unwilling to prosecute offenders, crimes that have gone unpunished can now be handled by the ICC thanks to this authority. The ICC has been as active in Africa as a bee in a field of flowers that are in blossom. It has carried out trials and prosecutions in nations including Sudan, Uganda, and the Democratic Republic of the Congo, bringing attention to those responsible for horrible atrocities and providing victims with an opportunity to see justice done.⁴ African nations have been impacted by the ICC, which has tried warlords and prosecuted political figures. Cases such as those in Libya and Kenya have demonstrated the ICC's determination to prosecute influential people and make them responsible for their deeds.⁵ The ICC aims to improve the lives of people impacted by acts that shock the conscience of mankind, not only to show off its legal might. For the criminals who believed they could get away with it, it's similar to the ultimate courtroom confrontation. With the manner the ICC enforces its jurisdiction over citizens of nations covered by the Rome Statute, its set of rules, the ICC may as well wear a cape. The results and consequences of ICC operations in African nations continue to influence international justice, demonstrating that everyone is subject to the law, including the criminals.

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¹ Hon Hunt, 'The International Criminal Court,' *Journal of International Criminal Justice* [2004] (2) (1) 56–70.

² Ibid.

³ R Frolich, 'Current Developments at the International Criminal Court,' *Journal of International Criminal Justice* [2011] (9) (4) 938.

⁴ Lydia Nkansah, 'International Criminal Court in the Trenches of Africa,' *African Journal of International Criminal Justice* [2014] (1) (8) 2.

⁵ C Stahn, 'Libya, the International Criminal Court and Complementarity: A Test for 'Shared Responsibility,' *Journal of International Criminal Justice* [2012] (10) (2) 328.

2. Legal and Institutional Frameworks for Criminal Justice in Africa

Due to the numerous legal systems and customs that have developed throughout time, Africa has a complicated and varied criminal justice legal system. International human rights standards, cultural values, and colonial history all had an impact on the legal systems across the continent. As a result, the legal systems of many African nations differ greatly from one another and each has a distinct approach to criminal justice. For the sake of this conversation, it may be divided into four categories: regional, international, national legal, and conventional judicial systems.

Traditional Judicial System

In rural regions, customary law-based traditional judicial systems still have a prominent position in society. These systems can provide a culturally appropriate means of settling conflicts, but there are worries about possible prejudices and the absence of official assurances of impartial proceedings.⁶ In order to maximize the benefits of both while maintaining justice and respecting human rights, attempts are being made to incorporate aspects of customary law into formal legal systems.

National Legal System

Each nation's constitution is one of the most important components of the legal framework for criminal justice in Africa. The fundamental ideas and regulations governing the criminal justice system are outlined in the constitution. These include the rights of those who are accused of crimes, the authority of law enforcement, and the duties of the court. The independence of the judiciary and the division of powers between the legislative, executive, and judicial departments of government are further safeguards included in the constitutions of many African nations. African nations have passed a plethora of rules and regulations that govern the criminal justice system in addition to their constitutions. These include criminal laws that specify the kinds of actions that are deemed criminal crimes and the sanctions that can be applied to those found guilty of them.⁷ Additionally, some nations have unique laws that deal with particular kinds of crimes, such as human trafficking, terrorism, and corruption. African nations have also set up organizations and procedures to guarantee the efficient application of the criminal justice system's legislative framework. These include courts of law, prosecuting services, and law enforcement organizations like the police and gendarmerie. To address particular issues with crime and justice, some African nations have also recently formed human rights commissioners and specialized anti-corruption organizations.⁸ Africa's judiciaries vary in their efficacy. Encouraging fair trials and maintaining the rule of law require bolstering judicial independence, resources, and training. Police departments frequently deal with issues including poor training, a dearth of supplies, and brutality accusations. To increase accountability and professionalism, reforms are required. Many African jails suffer from overcrowding, subpar facilities, and little prospects for rehabilitation. To guarantee humane treatment and encourage reintegration, reforms are required.

Regional and International Framework

Numerous regional and international conventions that deal with criminal justice concerns are ratified by African nations. These include conventions on transnational crimes like the African Union Convention on Preventing and Combating Corruption and the United Nations Convention against Corruption, as well as human rights treaties like the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.⁹ International human rights treaties and conventions that prohibit crimes like torture and genocide are ratified by a large number of African countries. These agreements forbid certain crimes and establish fundamental guidelines for impartial trials.

Even though its work is contentious, the ICC helps deter and prosecute the most severe international crimes perpetrated in Africa. To handle significant international crimes, a few African nations have founded international criminal courts or are active participants in them. To hold those accountable for genocide and other crimes committed during the Rwandan genocide, for instance, the International Criminal Tribunal for Rwanda (ICTR) was founded. Likewise, the Special Court for Sierra Leone (SCSL) was established to try and convict individuals accountable for atrocities committed during the civil conflict in Sierra Leone.¹⁰ The promotion of collaboration and coordination on criminal justice issues across African nations is greatly aided by regional organizations like the Economic Community of West African States (ECOWAS) and the African Union (AU). They can set up specific organizations, procedures, and frameworks to deal with international crimes, improve judicial collaboration, and advance the rule of law. Africa's institutional and legal foundations for criminal justice are changing. Even while there are still obstacles to overcome, further reforms and global collaboration give optimism for the future of more efficient, equitable, and compassionate criminal justice systems throughout the continent.

⁶ Mupanga Daju, *African Criminal Justice System* (Henrich Publications, 2013) 2.

⁷ *Ibid* at 4.

⁸ *Ibid* at 5.

⁹ *Ibid* at 8.

¹⁰ Bienvenu Haba, 'The Sierra Leone Special Court and Its Legacy: The Impact for Africa and International Criminal Law,' *Journal of International Criminal Justice* [2016] (48) (3) 7.

3. Role of the International Criminal Court in Promoting Criminal Justice in Africa

The International Criminal Court (ICC) plays a significant role in advancing criminal justice in Africa by holding individuals accountable for the most serious international crimes. Discussed below are the specific means by which the ICC contributes to criminal justice in Africa.

Prosecution of International Crimes

Individuals accused of war crimes, crimes against humanity, genocide, and aggression are brought before the International Criminal Court (ICC). These crimes are frequently perpetrated in times of widespread violence or war, which are common in many African countries.¹¹ By bringing offenders to justice, the ICC works to protect victims and discourage such acts in the future.

Complementarity

The International Criminal Court (ICC) prosecutes crimes under the complementarity principle, urging African nations to strengthen their legal frameworks and take responsibility for transnational crimes. The ICC provides technical support and capacity-building assistance, particularly in Africa, where corruption, weak institutions, and political interference hinder justice.¹²

Victim Participation and Reparations

The International Criminal Court (ICC) values victims' right to participate in proceedings and request compensation for harm, promoting victim-centred justice through the Rome Statute, allowing them to voice their opinions directly.¹³ Because victims may participate in the judicial system and get acknowledgement for the suffering they have undergone, a victim-centric strategy is crucial to ensuring that justice is done and perceived to be done.

Deterrence and Prevention

The ICC promotes prevention and deterrence by holding perpetrators accountable for serious crimes. This awareness reduces atrocity rates and prevents future hostilities in Africa and other regions. Punishment for egregious human rights breaches deters violence and repression, averting atrocities in war-torn areas.¹⁴ Given the recent history of armed wars and huge crimes in Africa, this deterrent impact is especially significant there.

Addressing Impunity

In order to combat impunity, the ICC brings charges against those who could otherwise avoid punishment because of their home nations' lack of legal systems or political clout.¹⁵ This sends a strong message that even the most powerful people are subject to the law and may be held accountable for their deeds.

Building Rule of Law

The ICC fosters accountability, transparency, and human rights respect in order to strengthen the rule of law throughout Africa. Its rulings and judgements set significant precedents that have the power to affect national legal systems and promote respect for international law.¹⁶

Promoting Transitional Justice

The ICC involvement can aid in attempts to bring about peace, reconciliation, and stability in post-conflict or transitional nations. The ICC aids in the process of reconciliation and the creation of a more equitable and inclusive society by exposing the truth about past atrocities and bringing those responsible accountable.¹⁷

4. African Cases at the International Criminal Court

Since its founding, the International Criminal Court (ICC) has dealt with a number of cases involving African nations. Allegations of war crimes, crimes against humanity, aggression, and genocide are common in these circumstances. Although the ICC's emphasis on Africa has drawn criticism and controversy, it's crucial to understand that state referrals, UN Security Council decisions, or independent investigations by the ICC Prosecutor decide the court's jurisdiction. A few noteworthy African cases at the ICC are as follows:

¹¹ Keneth Gallant, 'Africa and Beyond: Should the International Criminal Court Be the Sole International Organ of Criminal Justice?' *SSRN Electronic Journal* [2012] (3) 73.

¹² (n 6) 325.

¹³ Rachel Killean, 'Luke Moffett, Justice for Victims before the International Criminal Court,' *Journal of International Criminal Justice* [2015] (13) (3) 656.

¹⁴ JN Clark, 'Peace, Justice and the International Criminal Court: Limitations and Possibilities,' *Journal of International Criminal Justice* [2011] (9) (3) 523.

¹⁵ (n 5) 12.

¹⁶ (n 2) 59.

¹⁷ (n 4) 940.

Democratic Republic of Congo (DRC)

The prolonged armed violence and instability that have afflicted the DRC for decades are the reason behind the ICC's engagement in the region. Numerous armed organizations have been active in the war, battling for control over territory, resources, and power. These groups include militias, government troops, and rebel factions. There have been several violations of human rights as a result of the conflict, including rape, forced relocation, and other crimes. In 2004, the UN Security Council and the Congolese government both referred cases to the ICC Prosecutor, who then began looking into the situation in the country.¹⁸ The crimes that have been perpetrated inside the DRC's borders since July 1, 2002, have been the subject of the investigations. The ICC has looked into claims that different parties involved in the conflict have committed crimes against humanity and war crimes. For a number of people connected to serious crimes in the DRC, the ICC has issued arrest warrants. These comprise militia faction leaders, rebel group leaders, and other armed players. Bosco Ntaganda, Germain Katanga, Thomas Lubanga Dyilo, and other others are among those who have been charged.¹⁹ These people are accused of committing crimes including rape, murder, kidnapping, and looting. Trials and court cases involving those charged with crimes in the DRC have been handled by the ICC. The first individual to be found guilty by the International Criminal Court in 2012 for the war crime of enlisting and employing child soldiers was Thomas Lubanga Dyilo, the former head of the Union of Congolese Patriots (UPC).²⁰ The court has also heard cases that have resulted in convictions, acquittals, or ongoing litigation. The ICC's presence in the DRC has come under fire from a number of angles. These include the logistical challenges of carrying out investigations in isolated and conflict-affected areas, worries about the safety of witnesses, and accusations of political meddling and judicial system manipulation. Furthermore, some opponents contend that the ICC's emphasis on prosecuting militia commanders and rebel leaders may fail to address the underlying causes of the conflict or ensure that all victims receive justice.

Uganda

The Lord's Resistance Army (LRA) and Ugandan government's war is the main subject of the Uganda case before the International Criminal Court. Under Joseph Kony's leadership, the LRA has committed many serious crimes, including as mass executions, kidnappings, sexual assaults, and the enlistment of minors as soldiers. On referral from the Ugandan government, the ICC Prosecutor began looking into the situation in Uganda in July 2004. The crimes perpetrated inside Uganda's borders since July 1, 2002, were the main focus of the investigations.²¹ The Prosecutor's Office looked into claims that the LRA committed crimes against humanity and war crimes in great detail. Five top LRA leaders—Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo, and Dominic Ongwen—have arrest warrants issued by the ICC. These people were accused of murder, slavery, sexual enslavement, and pillaging, among other crimes against humanity and war crimes. Dominic Ongwen became the first LRA leader to appear before the ICC when he turned himself in to the court in January 2015, despite the fact that some of the charged persons have been dead or are still at large. Ongwen's trial commenced in December 2016 and resulted in his conviction on 61 charges of war crimes and crimes against humanity in February 2021.²²

The ICC's engagement in the Uganda case has come under fire and encountered a number of obstacles. These include complaints of the court's alleged prejudice against African defendants, difficulties in apprehending indicted persons who are operating in isolated and unreachable places, and worries regarding witness safety and security. Furthermore, some detractors say that the ICC's actions can have unforeseen repercussions, such as impeding peace talks or escalating hostilities between the government and rebel organizations.²³ Due to the ICC's involvement in the Uganda case, more people are aware of the horrors committed by the LRA, and attempts to prosecute those responsible for their crimes are being made. The court processes have given victims a forum to share their stories and ask for compensation for the trauma they have endured. The ICC's efforts must be supplemented by more comprehensive programs to address the underlying causes of the war, foster reconciliation, and assist rebuilding efforts in the area, since attaining justice in the Uganda case is still a difficult task.

Sudan (Darfur)

Allegations of genocide, crimes against humanity, and war crimes in the Darfur area of Sudan are brought before the International Criminal Court in the Sudan (Darfur) case. Rebel groups from ethnic minority populations in Sudan took up weapons against the government in the early 2000s, claiming they were the targets of marginalization and discrimination. This marked the beginning of the conflict in Darfur, Sudan. In response, the government launched a vicious crackdown with the backing of the Janjaweed, a group of state-sponsored militias. Many atrocities, like as murders, rapes, torture, forced relocation, and village destruction, were caused by the fighting. In accordance with

¹⁸ Brendon Cannon, 'The International Criminal Court and Africa,' *African Journal of International Criminal Justice* [2016] (2) (1–2).

¹⁹ *Ibid.*

²⁰ ICC, Democratic Republic of the Congo (International Criminal Court, 2004) <<https://www.icc-cpi.int/drc#:~:text=Ntaganda%20Case&text=On%208%20July%202019%2C%20ICC,of%2030%20years%20of%20imprisonment>> accessed on 18th March 2024.

²¹ Terry Beitzel and Tammy Castle, 'Achieving Justice Through the International Criminal Court in Northern Uganda,' *International Criminal Justice Review* [2013] (23) (1) 41–55.

²² *Ibid.*

²³ *Ibid.*

Resolution 1593, the UN Security Council forwarded the Darfur issue to the ICC Prosecutor in March 2005.²⁴ This demonstrated the seriousness of the crimes perpetrated in Darfur and the desire of the international community to bring those responsible for them accountable since it was the first time that a case had been sent to the ICC by the Security Council. For suspected crimes in Darfur, the ICC issued arrest warrants for a number of senior Sudanese leaders, including President Omar al-Bashir. Al-Bashir faced accusations of war crimes, crimes against humanity, and genocide. The ICC has also charged Janjaweed militia chief Ali Kushayb and former Sudanese government official Ahmad Harun. Omar al-Bashir, the first sitting head of state to face an ICC indictment, controlled Sudan from 1989 to 2019.²⁵ Nonetheless, he declined to acknowledge the court's authority and refrained from appearing before the ICC. Al-Bashir held control until he was overthrown in a popular revolt in April 2019 despite the arrest warrant. In Sudan, he is now being prosecuted for crimes against humanity, war crimes, and genocide.

The ICC's engagement in the Sudan (Darfur) case has been beset by a number of difficulties and disputes. The International Criminal Court's (ICC) capacity to conduct investigations and carry out arrest orders was hampered by the Sudanese government's refusal to cooperate. Concerns over the court's influence on peace talks and stability in Sudan were also aroused by the arrest warrants issued by the ICC against current government leaders. Some of the people the ICC accused are still at large, while others have been detained and put on trial. Ali Kushayb turned himself in to the ICC in June 2021 and showed up in court to answer to accusations of war crimes and crimes against humanity.²⁶ His trial is still in progress, which is a big step forward in the fight for justice for Darfuri victims of crimes.

Kenya

The post-election violence that broke out in Kenya after the contentious presidential election in December 2007 is at the heart of the Kenya case before the International Criminal Court. Numerous human rights violations, extensive displacement, and hundreds of fatalities were the outcomes of the conflict. Allegations of electoral fraud plagued Kenya's 2007 presidential election, which led to violence between supporters of opposing political organizations.²⁷ Most of the time, the violence was directed at ethnic communities, setting them against one another and resulting in widespread atrocities such sexual assault, murders, and displacement. In March 2010, the ICC Prosecutor launched an inquiry into the Kenyan situation in reaction to the violence. Allegations of crimes against humanity during the post-election period were the focus of the investigations. The ICC Prosecutor named six people who were thought to be primarily in charge of planning and carrying out the atrocities. The International Criminal Court issued appearance summonses to six prominent Kenyan citizens, comprising politicians, government employees, and business owners. William Ruto, the deputy president, and Joshua Arap Sang, a radio journalist, were among those charged with crimes against humanity. President Uhuru Kenyatta was later charged with comparable offenses.²⁸

A number of obstacles beset the ICC's legal processes, including as witness intimidation, tampering, and recantation. The Ruto and Sang cases were characterized by several postponements, hiccups, and disputes. Due to claims of witness manipulation and a dearth of evidence, Kenyatta's case fell apart. Citing inadequate evidence and witness manipulation, the ICC Prosecutor dismissed the accusations against President Kenyatta in December 2014. The ICC ended the charges against Ruto and Sang in April 2016 because there was not enough evidence and because witnesses were being intimidated.²⁹ The cases against the two went to trial. The Kenyan government established a Truth, Justice, and Reconciliation Commission, instituted a national commission of investigation, and made a number of institutional and legislative reforms in an effort to address the violence that followed the election. However, there has been a sluggish and unequal progress in holding offenders accountable and giving victims justice. There are conflicting results from the Kenya case at the ICC. It drew criticism for its alleged bias, ineffectiveness, and inability to result in convictions, even as it increased awareness of the need for responsibility for election violence and violations of human rights. The inability of the ICC to effectively confront impunity for crimes committed in the context of political violence has been called into doubt by the failure of cases involving well-known persons.

Côte d'Ivoire

The post-election violence that took place in Côte d'Ivoire after the contentious presidential election in November 2010 is the subject of the Côte d'Ivoire case before the International Criminal Court (ICC). Alassane Ouattara, the opposition candidate, and President Laurent Gbagbo squared off in the 2010 Côte d'Ivoire presidential election. Due to disagreements about the election results, there was violence between the followers of the two candidates and a political crisis.³⁰ As a result of the violence turning into a full-fledged armed war, several atrocities and violations of human rights occurred.

²⁴ *The Prosecutor v Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ ICC, Kenya (International Criminal Court, 2023) <<https://www.icc-cpi.int/kenya>> accessed on 18th March 2023.

²⁸ *Ibid.*

²⁹ E Irving, 'Protecting Witnesses at the International Criminal Court from Refoulement,' *Journal of International Criminal Justice* [2014] (12) (5) 1151.

³⁰ ICC, Côte d'Ivoire (International Criminal Court, 2023) <<https://www.icc-cpi.int/taxonomy/term/680#:~:text=Case,-Closed&text=The%20B1%C3%A9%20Goud%C3%A9%20case%20and,Ivoire%20in%202010%20and%202011>> accessed on 22nd February 2024.

After receiving a referral from the Ivorian government, the ICC Prosecutor began looking into the situation in Côte d'Ivoire in October 2011. Allegations of crimes against humanity during the post-election violence were the main focus of the investigations. The ICC Prosecutor named those who were thought to be in charge of planning and carrying out the atrocities. The ICC issued arrest warrants for a number of prominent people suspected of committing serious crimes in Côte d'Ivoire.³¹ Among them were the former president Laurent Gbagbo and Charles Blé Goudé, who were charged with crimes against humanity such as rape, murder, persecution, and other cruel deeds. Charles Blé Goudé and Laurent Gbagbo were detained and taken to the ICC to stand trial. The trial was the first time a former head of state appeared before the ICC, starting in January 2016. Gbagbo and Blé Goudé were accused by the prosecution of organizing and directing the violence in order to maintain their hold on power. Due to a lack of evidence, the ICC cleared Gbagbo and Blé Goudé in January 2019 and they were freed from detention.³²

The Côte d'Ivoire case brought attention to the violence and violations of human rights that occurred during the post-election turmoil thanks to the intervention of the ICC. It also emphasized how serious criminal offenders, no matter how powerful they are in politics, must be held accountable. But Gbagbo and Blé Goudé's acquittal sparked concerns about the ICC's capacity to get convictions and hold powerful individuals responsible for their deeds. Côte d'Ivoire formed a Truth and Reconciliation Commission and sought local prosecutions for crimes committed during the post-election violence, in addition to the ICC's procedures. Following the crisis, several initiatives sought to further national healing, justice, and reconciliation.

These examples demonstrate how the ICC helps punish people responsible for serious crimes perpetrated in African nations. Nonetheless, given that the bulk of the court's cases have been concentrated on Africa, it has come under fire for what is believed to be prejudice against the continent. Critics contend that this emphasis compromises the ICC's legitimacy and credibility and that the court ought to give priority to matters that are more serious and have a better chance of being successfully prosecuted, rather than being ranked geographically.

5.0 Challenges facing the International Criminal Court in Enforcing Criminal Justice in Africa

Selective Justice

Africa has been the subject of a large number of ICC investigations and prosecutions. Due to the ICC's discriminatory targeting of African leaders while ignoring crimes committed by strong states who are not ICC members, claims of prejudice against African leaders have arisen. Some supporters counter that this is only a reflection of how many wars there are in Africa.³³

Sovereignty Issues

The different viewpoints and interests throughout the continent are reflected in the vast range of perspectives held by African leaders about the ICC. While some leaders bemoan the Court's alleged biases and shortcomings, others see it as an important tool for justice and accountability.³⁴ Some African countries see the ICC's involvement as a kind of neocolonialism and an intrusion on their sovereignty. They contend that the prosecution of their own citizens ought to be within their purview.³⁵ There are others who contend that peace talks and attempts at reconciliation may be impeded by ICC investigations and prosecutions.

Limited Resources and Effectiveness

There are concerns regarding the efficacy of the ICC due to its difficulties in bringing offenders to justice and looking into complicated cases in various African nations. Many African nations lack the resources and infrastructure needed to assist the ICC in its investigations.³⁶ When it comes to international justice, the ICC might be a superpower, but even superpowers need money to fight the good fight. The International Criminal Court (ICC) has occasionally found it difficult to fulfil its mandate in Africa due to operational and resource restrictions. It's as if the ICC is fighting crime with one hand tied behind its back.

Lack of Cooperation

African governments and the International Criminal Court (ICC) have a complicated relationship. Some nations have been reluctant or even outspokenly sceptical of the International Criminal Court's (ICC) participation in their affairs, while others actively work with the Court to bring severe criminals to justice.³⁷ Some African countries have threatened or actually withdrew from the ICC due to concerns of selective justice and prejudice, which they view as an inherent part

³¹ Ibid.

³² Ibid.

³³ (n 12) 76.

³⁴ Pauline Martini, 'The International Criminal Court *versus* the African Criminal Court,' *Journal of International Criminal Justice* [2020] (18) (5) 1197.

³⁵ (n 5) 18.

³⁶ (n 35) 1197.

³⁷ (n 15) 526.

of the organization's operating methodology.³⁸ Ensuring complete compliance with the Court's directives is one of the major issues facing African governments in their engagement with the ICC. Sometimes effective collaboration and the execution of ICC rulings are hampered by issues including state sovereignty, political concerns, and conflicting objectives.

6. Conclusion and Recommendations

In the criminal judicial system of Africa, the ICC has a complex function. Although it has the potential to be an accountability tool, questions about its efficacy and bias remain. The International Criminal Court's presence in Africa has generated debate and led to crucial discussions about the continent's legal system, justice system, and accountability. The future is full with potential for reforms and better partnerships with African governments as the ICC works to overcome obstacles and be effective in its initiatives. Stakeholders may strive toward a more equitable and accountable criminal justice system in Africa by considering the past and looking to the future, with the values of international law and human rights serving as guiding principles. For a more equitable and functional international criminal justice system going ahead, cooperation, fixing flaws, and bolstering national judiciaries are essential. By putting these suggestions into practice, the ICC will be able to address some of the obstacles it encounters while enforcing criminal justice in Africa and make a positive impact on accountability, the abolition of impunity, and the advancement of the rule of law throughout the continent.

The following remedies are suggested as a cure-all in order for the ICC to successfully carry out its mandate of prosecuting offenders of international crime and enforcing criminal justice in the face of numerous obstacles and criticism regarding the court's legitimacy and prosecution of African leaders. To refute claims of prejudice, the ICC must conduct its investigations with greater impartiality and transparency. In order to guarantee that African nations can successfully manage these crimes and lessen their reliance on the ICC, it is imperative that national legal systems be strengthened. To establish common ground and guarantee justice for the most serious international crimes, there must be more collaboration and communication between the ICC, African countries, and the AU. Safeguarding the independence and impartiality of ICC proceedings from political interference and manipulation. Increasing outreach and communication efforts to educate African communities, civil society groups, and other stakeholders on the ICC's mission, role, and activities can assist to establish credibility, debunk myths, and increase support for ICC projects. ICC interventions should take sociocultural sensitivities and contextual elements, such as cultural norms, traditions, and customs, into consideration. Ensuring that all of the people who commit severe crimes—regardless of their country, official status, or political affiliation are held accountable by ICC interventions. In addition to serving to discourage further transgressions of human rights and international humanitarian law, this can support the idea of equality before the law.

³⁸ (n 12) 80.