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The Continued Relevance of the International Criminal Courtin the Contemporary International Order

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The Continued Relevance of the International Criminal Courtin the Contemporary International Order

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I. Introduction

There are two realities which gave impetus to Africa's strong support for the establishment of the ICC, and these are the need to find ways to prevent powerful countries from preying on weaker ones and the carnage that gripped Rwanda in 1994. African nations and its leaders saw an urgent need in Africa to directly confront all forms of impunity and the mass violation of the rights of people, as well as prevent militarily, politically and economically stronger countries from invading those that are much weaker. African countries found some of the dictates of the statute attractive and the fact that "crimes of aggression" and "the planning, preparation, initiation or execution of an act of using armed force by a state against the independence (sovereignty), territorial integrity or political independence of another state," were added to the statue was especially attractive to African countries[1]. Currently, 43 African countries have signed the Rome Statue, and 31 are states parties to the statue.

Recently, African countries have been criticising the ICC and relations between Africa and the court are currently severely strained due to the feeling that the court is used to prosecute African leaders alone while shielding thoseof powerful nations. This has led the African Union to ask its members to implement a policy of non-compliance and non-cooperation with the ICC. It serves a great import to be aware that for the court to remain a credible institution for the execution of international justice, there must be reforms on its operations while African countries also need to strengthen their judicial systems.

II. Africa and the ICC

It is quite important to examine the case of ICC and Africa as it will yield a rational explanation for its remittance to the ICC. There is of course a combination of domestic and international factors that lie behind the court's current exclusive focus on African cases and the same applies to the UNSC referrals to the ICC which are equally biased. To Africans and African leaders, it appears that crimes which falls within the jurisdiction of the court is committed by only African countries but certainly not, although the statement, "a crime that poses serious concern to the entire international community in general" are being committed, yet the ICC has seemingly devoted its time and resources in the persecution of cases relating to African countries, and this has raised serious concern among African leaders. To African leaders, the prosecution and justice system of the International Criminal Court is a form of selective justice which is impacting negatively on the diplomatic, economic, financial and political state of most African member states.

Today, there is a growing opposition against the ICC but for the court to function effectively, it is a must to secure the cooperation and compliance of national governments, including those on the African continent. The most pathetic scenario in all is that Africans who bear the brunch of the dictatorial tendencies of their leaders are forming alliances with their leaders to pose challenges to the integrity and moral sense of the Court. With some arguing that the court is rather opting for a political convenience instead of a form of universal justice which is spelled out in the Rome Statute. Unfortunately, it is considered saddening that the ICC is yet to adequately and effectively dispel the fears that Africans and their leaders have and ensure that they are

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[1] ICC, *Understanding the International Criminal Court*, p. 12, (2012).http://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf. accessed April 16, 2017

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convinced that the court's work is based wholly on the belief that "the most serious crimes which concerns the whole international community as a whole must not go unpunished" and not based on political and other unrelated contemplations.[2]

The resolution by the AU at a summit in Addis Ababa that no sitting African head of state should be required to appear before an international tribunal and the demand that the ICC not proceed with the trial of President Uhuru Kenyatta of Kenya is quite worrisome. The African Union is yet to get any tangible success in passing a motion to withdraw African countries from the ICC[3].

Some African countries, however, believes that the court mean well for African countries and this is why a country like Botswana have disagreed with the African Union on its decision to exit the court and have argued that African countries ought to keep their obligations under the Rome Statute[4]. In addition, Kofi Annan, a former U.N. Secretary-General, and Nobel Peace Laureate Archbishop Desmond Tutu have urged African countries should remain with the International Criminal Court[5]. The argument of the African Union is that it does not agree with the externality of imposition of strategies to fight the crimes against humanity on the continent despite the fact that the AU and the ICC have common interest of fighting these crimes. More important is the fact that the ICC is simply an international judicial instrument and hence can be apolitical in its decisions, the African Union as a political body needs to address impunity by choosing a political approach, which necessarily calls for "peace-making and political reconciliation,"[6].

It is of necessity for the international community to restore the trust and hope of African countries in the ICC. Although the Court has tried by ensuring that former Gambian justice minister, FatouBensouda becomes the chief prosecutor of the ICC so as to amend the relationship of the court with the continent but unfortunately and conversely, her small country, The Gambia has exited the ICC. African countries and the ICC must reconcile the conflict between them and they must ensure that each country develops the capacity to effectively investigate and prosecute international crimes committed within its borders. The AU can also assist in such prosecution more especially where the accused person have fled from the country where the crime was committed so as to flee the aftermath of prosecution as it has occurred in several human rights cases. There is a necessity and import for the administration of justice that accused persons be prosecuted in the countries where the crimes were committed.

The ICC also asserted that it is important to allow each African country to retain a significant level of sovereignty on criminal jurisdiction, as against ceding it to the ICC which will ensure that "justice is not just be delivered at the international level but administered and delivered at the national level" and that "victims would not need be taken far away but closer to the legal proceedings,"[7]. A good example is the case Charles Taylor where the prosecution was successful due to the fact that it was handled by the Sierra Leone Special Court in The Hague for aiding and abetting war crimes which augur well for African justice system. It is important to note that even after so many years after colonialism and attainment of independence by African nations; African countries are still yet develop a domestic legal and judicial system which will be capable of effectively safeguarding the fundamental human rights of Africans and administering justice for all African citizens.

The case of Charles Taylor and also those of Sudan and Kenya reveals that there are serious insufficiencies with the administration of justice in Africa. It is an insult on African nations and their judicial and justice systems that the International Criminal Court has to be called upon to investigate and try crimes against humanity committed within its borders this unarguably is a clear sign of African states' collective failure to properly govern themselves and administer justice fairly and timely. The African Union should therefore help its members to undertake necessary institutional reforms to create locally focused and culturally relevant judicial and legal systems which will have the capability to try leaders and people within the accused of impunity so as to the need to call upon the International Criminal Court to intervene. This has several dimensions, and a crucial one is the fact that it will protect the sovereignty and dignity of African States.

III. The Work Done by the ICC in Africa

The work of the ICC is just beginning as the court can be said to be in its infancy. Since its establishment, the court has never concluded any case

[2] ibid
[3] BBC. (2013). "African Union Urges ICC to Defer Uhuru Kenyatta Case," Available at: http://www.bbc.co.uk/news/world-africa-24506006. Accessed April 10, 2017.
[4]Voice of America, "Botswana, the African Union Disagree Over International Criminal Court Warrants," (2013). Available at: http://www.voanews.com/content/botswana-african-union-disagree-over-international-criminal-court-warrants-125451843/158470.html. Accessed April 13, 2017
[5]BBC, "African Union Urges ICC to Defer Uhuru Kenyatta Case," 2013 available at: http://www.bbc.co.uk/news/world-africa-24506006 accessed April 15, 2017.
[6]Boell, "Perspectives: Political Analysis and Commentary from Africa," p. 21,2012. Available at: http://www.boell.de/downloads/2012-08-Perspectives_Africa_1_12.pdf. Accessed April 17, 2017
[7] ICC, "The ICC and Community-Level Reconciliation: In-Country Perspectives—Regional Consultation Report," p. 11, 2011. Available at:http://www.iccnow.org/documents/IJR_ICC_Regional_Consultation_Report_Final_2011.pdf. Accessed April 15, 2017.

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as it is currently hearing its first cases which are all from African countries which are Central African Republic, Uganda, Sudan, Kenya and Democratic Republic of Congo. From its modest beginning, the court can be said to be the first of its kind to attempt to tackle impunity on a permanent basis. The court deals with the application of the principle of universality to exercise jurisdiction over the most egregious offences that have been committed by people all over the world which covers its jurisdiction. Despite the seeming glorious and glamorous nature of the court, it has however faced numerous challenges in the countries where it is currently trying cases as the slow wheels of justice at the International Criminal Court have been a frustration to victims, and despite the hope and optimism that the court has in some target states, there has also been resistance to and obstruction of its work.

In Sudan for example, the court faced outright hostility from the government of the country, but the court made some appreciable progress in Uganda, CAR, and Kenya. The biggest challenge the court has been facing is that fact that it is considered an external player in an internal affair of nations. The primary role of the ICC is to help these states to foster a culture for the respect of the rule of law and also combat impunity and human rights abuses but the problem has remained the compliance of the judicial and executive arms of the government of these states more especially when it has to do with powerful figures from their countries. Ordinarily, the ICC should perform the role of the "gentle civiliser" of state power in weak states that are unwilling or unable to bring perpetrators to account but the problem faced by the court is that it cannot because it does not seek to replace the domestic legal and judicial processes of these states – it purpose like earlier stated is not to replace but to complement them to ensure that they incubate accountability.

The big question remains if the court is meeting up with its challenges from these countries and if it has legitimacy with internal protagonists such as senior officials, suspects, victims, and civil society of these countries so that it can accomplish its goals.

In Kenya for instance, the ICC enjoys wide support among the general public, but many senior government officials view it with trepidation and being an ethically polarised nation, the activities of the court could cause further ethnic polarisation.

In Uganda, there was certainly hope that the ICC would induce the perpetrators to seek a political settlement, despite the fact that this has not happened yet. In Central African Republic, the government of the country has consistently cooperated with the ICC investigation team. However, in Sudan, the court has faced serious rejection from the officials of the government more especially after it issued an arrest warrant against President Omar al-Bashir. The activities of the ICC in Uganda, for instance, are based primarily on the atrocities committed by the Lord's Resistance Army (LRA) under the direction of Joseph Kony who was its main leader. This organisation continues to commit was can be described as the most abominable atrocities against civilians in northern Uganda and eastern Democratic Republic of Congo[8]. When the government of the country could not stop or contain the activities of the LRA, it self-referred the case to the ICC which returned indictments and issued arrest-warrants for war crimes and crimes against humanity against five of the top LRA leaders – Joseph Kony, Vincent Otti, OkotOdhiambo, Dominic Ongwen, and RaskaLukwiya but proceedings against RaskaLukwiya were terminated after his death, but the case against the other four, who remain at large, is being heard by the Court. The leadership of the group under Kony has refused to negotiate a peace deal with the government of President YoweriMuseveni unless the indictments are quashed and the case dropped. Several international human rights organisations including the Amnesty International, have opposed any offers of amnesty to Kony and the LRA even if they were to sign a peace accord with the government of the country.

In Sudan, a country which remains Africa's largest country by land mass, the country has been a troubled state since its creation by the British due to a number of factors which includes a big divide between Arabised north and the black African south, religious and racial conflicts, competition over scarce resources, and dictatorship by a violent but weak state. All these have combined to create one of the most horrible humanitarian crises in the world today. There has been a long-running conflict between the north and the south which has abated for now, but the government of President Omar al-Bashir has been credibly accused of war crimes, crimes against humanity, and genocide in Darfur, the western region that is home to black African Muslims[9]. According to the United Nations, over 300,000 Darfurians were killed and about three million displaced in five years[10] and the government security forces working with the Janjaweed, an Arab militia, were said to be responsible for the atrocities.[11]

[8] Human Rights Watch, *Trail of Death*, New York, 28 March 2010, http://www.hrw.org/node/89324, accessed 23 September 2010.
[9] Gérard Prunier, *Darfur: A 21st Century Genocide*, Ithaca, Cornell University Press, 2008.
[10] Marlise Simons, "Sudan's Leader May be accused of Genocide," *New York Times*, 3 February 2010, available at: http://www.nytimes.com/2010/02/04/world/africa/04bashir.html,accessed 17 April, 2017
[11] Ann McFerran, *The Curse of the Janjaweed*, *Sunday Times* [London], 23 September 2007, http://www.timesonline.co.uk/tol/news/world/africa/article2489206.ece, accessed April 14, 2017.

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IV. The Continued Necessity of African States Membership in the ICC

Relations among nations largely depend on the power that a nation wields in the international community. The provisions of the United Nations Charter and several other international laws in the international system have continued to cast doubts on the sincerity of the international community in the doctrine of equality of nations and respect for the sovereignty of independent nations most especially those on the African continent who constitute the larger chunk of the Third World. At the 35th NEPAD meeting in July, 2016, heads of state and government orientation Committee (HSGOC) meeting at the 27th summit of the African Union in Rwanda, African leaders decided that Sudan's economy is suffering following sanctions against its government by the International Criminal Court, those who spoke at the African Union summit in Kigali castigated the International Criminal Court for failing practical tests and being caught up in procedural irregularities. However, Sudan took the lead in ensuring that African countries withdraw from the ICC; they asserted that the claim that the ICC was an international and independent is not yet realised in the African perspective.

Many African leaders have been tried for war crimes but quite recently the world witnessed the launch of the Mother of All Bomb (MOAB) by the United States to Syria Airbase which led to loss of lives and the international community has said nothing about this. There are many developed nations of the world that have committed more crimes than African leaders but were never questioned nor tried by the court and this has made African leaders to call for a mass withdrawal from the ICC. This research paper therefore critiques the continued relevance of the ICC and membership of African nations in the International Criminal Court.

African leaders have often maintained that the sanctions of the ICC on African countries have contributed to the growing tension in the region and also contributed to the underdevelopment of African nations. Joseph Chilengi, the presiding officer of the AU-ECOSOCC stated that Africa's economies will continue to suffer as long as international justice system is being damaged by the ICC. Joseph Chilengi stated that "No American soldier or politician will ever appear at the ICC and most crimes go unpunished[12]. ICC has allowed impunity for the forces that are allies to the USA," Surprisingly, the United States which is seen as the police of the international system is not a member of the international court, and is among 31 countries that are yet to ratify the Rome Statute under which the court has jurisdiction. African countries have been challenging an attempt to amend the Rome Statute to have powers to arrest leaders by the UN peace keepers when wanted by ICC but this has not come to the limelight. An economic consultant and Sudan legislator, Babiker Mohamed noted that the United States had imposed sanctions which have a very negative impact on Sudan's economy because of the limitations of its economy and this has led to an increase in the international debt of the country[13]. African countries have therefore called for strategies to strengthen their own international justice system instead of being subjected to foreign interventions that undermine their sovereignty. The African Union has however made efforts at having the protocol to expand the powers of the jurisdiction of the African Court on Human and people's rights to include international crimes within the continent. It has been stated by the officials of the African Union that Africa's exit strategy has conditions that the universality of the ICC be upheld, political divisions within the Rome statute shouldn't be introduced and attention provided over UN Security Council resolutions because the international justice system is constipated with a lot of nonsense that the consequences will come back to hurt the African continent[14].

In 2005, the International Criminal Court signed an arrest warrant against the President of Sudan, Omar al-Bashir over crimes against humanity which were committed in his country. More recently, there was a case by the ICC against the current Kenyan President Uhuru Kenyatta and his deputy William Ruto which was later terminated for lack of sufficient evidence but the Russian leader, Vladimir Putin was said to have used against Crimea and more recently, Vladimir Putin has doubled down on his support for the Syrian government despite the release of post-mortem results by Turkey that confirmed chemical weapons were used in an attack that killed at least 72 people in north Syria. The Russian president attacked “groundless accusations” that Damascus was responsible for the assault, and called for a “detailed and unbiased investigation” into the deaths[15]. If Russia were to be an African nation, it possibly would have faced attacks by the United States, and its leaders would have been locked down in the gallows. With Africa’s renewed push, if the continent pulls out of the court, it is believed that it will render the court ineffective.

[12] Mudi, M. *AU renews calls on quitting ICC, says sanctions crippling Sudan economy*, The Star, Jul. 18, 2016. Available at: http://www.the-star.co.ke/news/2016/07/18/au-renews-calls-on-quitting-icc-says-sanctions-crippling-sudan-economy_c1387917 Accessed April 17, 2017.

[13] ibid

[14] ibid

[15] Matthew W, Rowena M, Martin C and Emma G. *Putin stands by Assad as firm evidence of chemical attack mounts*, The Guardian, availableat:https://www.theguardian.com/world/2017/apr/06/postmortems-confirm-syria-chemical-attack-turkey-saysaccessed May 17, 2017

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The court has been accused of hiding evidence and witness tampering, with the latest case involving a judge who was said to have allegedly received millions of dollars in an offshore account to falsify the available evidence against al-Bashir. African leaders have also stated that judges at the ICC have never been lawyers or judges in their countries and therefore the court is not for Africa.[16]

All the same, the fact that such a court as the ICC exists has reduced the criminality and authoritarian tendencies of most African leaders. The immunity clause in the constitution of most African countries has made their leaders extremely corrupt, and there is a need for a check on these powers. For too long, when it does not turn out as planned, African leaders are quick to blame their excesses and trials on racism, colonialism, and neo-colonialism – hiding under the mask of Pan-Africanism. African leaders accused the tribunal of the ICC of bias and racism after then prosecutor Louis Ocampo indicted Sudanese President Omar al-Bashir of genocide and war crimes. In Africa, there are several leaders, mostly dictators, who rule the country ruling like monarchs and with the emergence of the ICC, they found out that the world may have just found a way to hold them accountable for the repressive nature of their regimes. Many of these African nations did not take the risk of pulling out of the Rome Statute, knowing fully well that there will not only be a backlash but will force activists to use their withdrawal to draw attention to the rights crisis and abuses in their nations and force development partners to put sanctions, travels bans, assets freezes and aid suspension in place, they rather used other means as a cover-up for their withdrawal from the Court.

With the withdrawal of one of Africa's frontier states, South Africa from the court, a nation seen as the trendsetter for democracy and respect for human rights in Africa has opened the floodgates for African dictators to withdraw from the court. The truth is, the ICC is still a very relevant international organisation but most of the African leaders are using racism as a cover-up to avoid being accountable for their actions. It was these same African leaders that pushed for an African to be the head of the ICC. The ascension of the current leader of the court, Fatou Bensouda from Gambia is greatly connected to the diplomatic moves of African leaders.

An African was made the head of the ICC since it will be difficult for African leaders to accuse a fellow African of racist tendencies and victimization as the court has been described by the Gambian government as an "International Caucasian Court." recently, many African countries have withdrawn from the court due to the feeling of being subjugated by the international community and after the withdrawal of Burundi, The Gambia, and South Africa, other countries are in a haste to follow suit and this has generated mixed reactions.

In the ICC, there are ten cases that are under investigation by the court and nine of these cases have to deal with African nations and these cases were referred to the ICC by the governments of these nations yet, there is the claim of victimization and racism. ICC cannot execute arrests without the order of the government of the state, and this was why Al-Bashir was not arrested in South Africa. The state of South Africa came under sharp criticism, and such diplomatic complications are the main reason for South Africa's withdrawal from the ICC. The Chief Prosecutor of the ICC Fatou Bensouda lost the case against President Uhuru Kenyatta and Vice President William Ruto of Kenya because Kenyan authorities refused to cooperate, obstructed the ICC finding missions and intimidated witnesses that are connected to the case.

It has been noticed that the fact that most African nations are developing and poor nations have impacted negatively on their stand in the international system. Heads of governments of African countries are too quick to ratify conventions, treaties and protocols that come from the United Nations or any power country like the United States and the United Kingdom once there is a financial gain attached to such ratification without considering how such an international convention can be applied to their local laws and the impact it will have on them. The United States is yet to ratify the Rome Statute and described it as flawed, adding that it violates national sovereignty and could be politicized but most African countries that did never took these into consideration. Former President of the United States, Bill Clinton while leaving office strongly advised his predecessor, President George W. Bush not to submit the Rome Statute treaty to Congress for consideration and this may be the reason many American citizens and the former President Bush wasn't tried for war crimes despite the atrocious acts committed in Iraq and Syria. This is because the ICC has no jurisdiction in the United States, unlike the African countries. There are also atrocities that have been committed by the government of world powers like Russia and China that have not been tried by the ICC; this is due to the fact that they are not a party to the Rome Statute and this is why they can continue to back the regime of Bashar Al-Assad a continue to inhumanity to humanity.

The United States is said to have signed agreements with over 90 countries to prevent turning over U.S. citizens to the ICC without U.S. government permission. An agreement between the U.S. and these nations, one of such signed by The Gambia's then Foreign Minister Baboucarr Blaise Jagne and former U.S. Ambassador Jackson MacDonald states that: when The Government of the Republic of The Gambia

[16] ibid

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extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of The Gambia will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the expressed consent of the Government of the United States of America. The U.S. will reciprocate the same for The Gambia and the other nations it has this agreement with.

The United States and other powerful countries rather decide to try their officials instead of them being tried by the ICC. Heads of African countries who signed an agreement not turn in the United States citizens for prosecution are the same people calling for the trial of American citizens and also claiming racism when tried by the court. The problem is the insincerity of African leaders to appropriately try cases within the continent. After all, the AU has decided to establish a court which will serve as an African Court of Justice which will concentrate on trying war crimes, genocide and crime against humanity but the question is to what extent this court be effective? This is the big question, but a trial of such a court successfully prosecuted and jailed former Chadian leader HissineHabre in Senegal. But the problem is that many of the African leaders who will establish the court are autocratic despots who have overstayed their welcome in the government house and are using series of violence to prolong their days in office. Such leaders are the Zimbabwean leader, Robert Mugabe, a nonagenarian who has ruled the country for decades are caused serious economic crisis for the country. Many of these leaders are simply clinching on to power by reliving the life of Idi Amin or Moammar Ghadaffi. The court will find it quite difficult to arrive at the indictment, prosecution or conviction of any African leader who is a sitting leader who has committed crimes against humanity, genocide or war. This is a challenge being faced by the ICC and the organisation may need to be more independent and an impartial to ensure that Africans are happy to members[17].

ICC has been labeled, but the fact that the court is biased become questioned when President Pierre Nkurunziza, a man who was said to have committed serious electoral violence signed for Burundi to leave the court to avoid his prosecution for the rights abuses that his government is said to be complicit of. Other countries such as The Gambia are simply copying other nations just as quick as they could before other nations also take the same step and become like superpowers who covet unnecessary attention to the nation, when the world was paying no attention to the rights abuses of its government. The problem is that African leaders simply rule their countries like authoritarian kings and become 'gods' the moment they are voted or rig their way into office. They never take responsibility for the wrongs they do. Despite staying in power for decades and having the power and funds to take their countries out of poverty, they simply enrich themselves and their cronies and blame more than half a century dead colonialism of their underdevelopment, which is a result of their corruption, and lack of vision and foresight. If truly one will listen to the allegation that the ICC is a Western structured villain targeting Africans and its leaders, at least this court which is described as a vice was not forced on them as they would say is colonialism - they signed the treaty on their accord and had side agreements sabotaging the tribunal.

[17] Cletus Akwaya, *Africa, The ICC And The Pursuit Of International Justice*, 2017, available at http://leadership.ng/blogposts/570098/africa-the-icc-and-the-pursuit-of-international-justice accessed April 5, 2017

V. Conclusion

There is a need for the continued relevance of the ICC, and African countries membership is quite important. Although it is also of import that powerful nations of the world become members so as to stop African leaders from feeling that the court was set up to victimize them. Except for few, many of these African leaders treat their people worse than the colonialist did and most of the countries that are withdrawing from the ICC are those with tyrants who continue stay in power by executing, imprisoning and torturing their people. Pan-Africanism no longer remains the same; it has transformed over decades from blaming colonialists to building economically, scientifically and technologically advanced societies across African soil to create progressive nations. The work of the ICC in Africa raises lots of questions and has lots of political implications and on peace building in the continent. It also has serious impacts on the rule of law and the struggle by these nations to end the impunity of their leaders and the government which seemingly makes Africans ask the question: are we in our country or are we, slaves?

Bibliography

1. Ann McFerran, *The Curse of the Janjaweed*, *Sunday Times* [London], 23 September 2007, http://www.timesonline.co.uk/tol/news/world/africa/article2489206.ece, accessed April 14, 2017.
2. BBC, "African Union Urges ICC to Defer Uhuru Kenyatta Case," 2013 available at http://www.bbc.co.uk /news/ world-africa-24506006 accessed April 15, 2017.
3. Boell. C. "Perspectives: Political Analysis and Commentary from Africa," p. 21, available at http://www.boell.de/downloads/2012-08-Perspectives_Africa_1_12.pdf. Accessed April 10, 2017.
4. Cletus Akwaya, *Africa, The ICC And The Pursuit Of International Justice*, 2017, available at http://leadership.ng/blogposts/570098/africa-the-

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icc-and-the-pursuit-of-international-justice accessed April 5, 2017.
5. Gérard Prunier, *Darfur: A 21st Century Genocide*, Ithaca, Cornell University Press, 2008.
6. Human Rights Watch, *Trail of Death*, New York, 28 March 2010, http://www.hrw.org/node/89324, accessed 23 September 2010.
7. ICC, "*The ICC and Community-Level Reconciliation: In-Country Perspectives—Regional Consultation Report*," p. 11, 2011. Available at: http://www.iccnow.org/documents/IJR_ICC_Regional_Consultation_Report_Final_2011.pdf.Accessed April 15, 2017.
8. ICC, "*Understanding the International Criminal Court*," p. 12, (2012). http://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf. accessed April 16, 2017
9. Marlise Simons, "Sudan's Leader May be accused of Genocide," *New York Times*, 3 February 2010, available at http://www.nytimes.com/2010/02/04/world/africa/04bashir.html, accessed 17 April 2017.
10. Matthew W, Rowena M, Martin C and Emma G. *Putin stands by Assad as firm evidence of chemical attack mounts*, The Guardian, available at https://www.theguardian.com/world/2017/apr/06/postmortems-confirm-syria-chemical-attack-turkey-says accessed May 17, 2017.
11. Mudi, M. *AU renews calls on quitting ICC, says sanctions crippling Sudan economy*, The Star, Jul. 18, 2016. Available at: http://www.the-star.co.ke/news/2016/07/18/au-renews-calls-on-quitting-icc-says-sanctions-crippling-sudan-economy_c1387917 Accessed April 17, 2017.
12. Voice of America, "Botswana, African Union Disagree Over International Criminal Court Warrants," (2013). Available at: http://www.voanews.com/content/botswana-african-union-disagree-over-international-criminal-court-warrants-125451843/158470.html. Accessed April 13, 2017.

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