



## Abstract

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## Africa and the International Criminal Court

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September 28, 2011

AFRICA'S INTERNATIONAL RELATIONS: A HANDBOOK, Tim Murithi, ed., Routledge, April 2013

**Abstract:**

International Criminal Court (ICC or the Court) interventions in Africa have over the last decade become an issue which increasingly informs and impacts international relations, domestic politics and the broader agenda of conflict resolution.

The Rome Statute, which established the ICC and has now been ratified by more than 120 states, clarifies that the Court was put in place to end to impunity for the perpetrators of the most serious crimes of concern to the international community and to contribute to the prevention of such crimes. Supporters of the ICC tend to emphasise these objectives and suggest that the Court is an important instrument for preventing mass violence around the world. In particular, they argue, the ICC has the potential to deter state leaders and others from launching campaigns of ethnic cleansing, genocide and other atrocities.

Others, however, suggest that the Court's interventions jeopardise peace processes or may encourage repressive leaders to entrench themselves in power, thereby prolonging or escalating violent conflict and human rights abuses. In addition, many of these critics claim that the ICC serves as an instrument of powerful countries in the West to control poor countries in the South, an argument which increasingly seems to be endorsed by the African Union (AU).

A divisive debate about the ICC's role in Africa might seem inevitable given that the Court infringes upon long-standing principles of state sovereignty. Of course, these divisions are exacerbated because all of the currently active investigations take place in African countries and all of the suspects and defendants are African. Nonetheless, the ICC in Africa is a complex topic, which is best debated avoiding simplifications such as the "ICC versus Africa" or the "ICC for Africa". Arguably, some of the critique of the Court's work on the continent serves other agendas than promoting accountability, peace and the needs of war-affected communities. At the same time, purely legalistic accounts of the topic, which suggest that law and politics must be analytically separated, and suggestions that the ICC simply intervenes were the worst crimes have been committed, are not necessarily helpful understanding these complexities.

This Chapter looks into the ICC's work in Africa. Combining an analysis of the various cases where the Court has intervened to date with an examination of the responses and debates this has initiated, the Chapter will seek to contribute to an understanding of how the Court functions, the broader context in which this judicial institution operates and the dilemmas that surround the pursuit of international justice in Africa.

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