

AN ASSESSMENT OF THE IMPACT OF THE INTERNATIONAL CRIMINAL COURT IN COMBATING CRIMES AGAINST HUMANITY IN AFRICA

MARGRET NANYONJO

S23B56/021

**A DISSERTATION SUBMITTED TO THE SCHOOL OF SOCIAL SCIENCES IN PARTIAL
FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF A DEGREE OF BACHELOR
OF GOVERNANCE AND INTERNATIONAL RELATIONS OF UGANDA CHRISTIAN
UNIVERSITY**

May, 2026

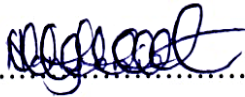


**UGANDA CHRISTIAN
UNIVERSITY**

A Centre of Excellence in the Heart of Africa

DECLARATION

I NANYONJO MARGRET declare to the best of my knowledge that this study is my original work and has never been presented to any academic institution for the purpose of any academic award

SIGNATURE.....

DATE.....th
11. MAY. 2026

APPROVAL

This is to certify that this study was conducted by NANYONJO MARGRET under my supervision.

Supervisor

A handwritten signature in black ink, appearing to read 'Jonathan Tabalanga', with a stylized flourish at the end.

Date 11/05/2026

MR. TABALANGA JONATHAN

DEDICATION

This dissertation is dedicated to my guardian and my beloved parents who were always by my side to see that I move on with my education despite the pitfalls on the academical journey. My special thanks go to my course mates at Uganda Christian University, Mukono whom we have always worked as a team thus coming this far and finally last but not the least my supervisor who kept guiding me all the way. My prayer is that may the Almighty GOD bestow His overflowing blessings on you all for the great impact you have showed and given to ensure my person and academic growth throughout my university journey.

ACKNOWLEDGEMENT

I thank the almighty GOD for the good health, knowledge, wisdom and guidance because it has been Him since day one and it is Him and Him alone that has enabled me to accomplish my dissertation. I thank my Gurdian Mr. Baweesi Stephen and my dearest parents Mr. Zziwa Joseph for his tireless efforts together with Mrs. Nabweteme Rose and Nakibule Specioza for the moral support they have given me all through my degree journey at Uganda Christian University. I also thank my campus and outside- friends and also my siblings who have prayed and ensured that I succeed in my journey of education.

I do also extend my sincere thankfulness to my supervisor, Mr. Tabalanga Jonathan for the encouragement, guidance and intellectual support that has enabled me to finish my dissertation.

TABLE OF CONTENTS

DECLARATION	i
APPROVAL	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
ABSTRACT.....	x
ACRONYMS	xi
CHAPTER ONE	1
1.0 Introduction	1
2.0 Background of the Study.....	1
3.0 Problem Statement	2
4.0 Major Objectives of the Study	3
4.1 General Objective.....	3
4.2 Specific Objectives.....	3
5.0 Research Questions	3
6.0 Scope of the Study.....	4
6.1 Content scope	4
6.2 Geographical scope	4
6.3 Time Scope.....	4
7.0 Justification of the Study	4
7.1 Significance of the Study	5
8.0 Conclusion.....	6
9.0 CONCEPTUAL FRAMEWORK	6
9.1 CONCEPTUAL FRAMEWORK	7
9.2 Moderating variable	7

CHAPTER TWO	9
LITERATURE REVIEW	9
2.0 Introduction	9
2.1 Definitions and concept of international relations	9
2.1.1 Theoretical framework	9
2.1.2 The relations between the ICC and International Relations	12
2.1.3 Realism theory on the ICC	14
2.1.4 Liberalism on ICC	15
2.1.5 Constructivism on ICC	16
2.1.6 Feminism theory on ICC	16
2.2 Empirical review	17
2.3 African Union review on ICC	17
2.4 Summary of Literature review and identifying a research gap	18
2.4.1 conclusion of the literature review	19
CHAPTER THREE	20
METHODOLOGY	20
3.0 Introduction	20
3.1 Research Design.....	20
3.2 Data Collection Methods.....	21
3.2.1 Secondary data.....	21
3.2.2 Primary data.....	22
3.3 Target populations.....	22
3.4 Sampling techniques	23
3.4.1 Purposive Sampling (Non-probability)	23
3.4.2 Stratified Sampling (probability).....	23
3.4.3 Snowball Sampling (Non-probability)	24

3.5 Data Analysis	24
3.5.1 Quantitative Data Analysis	24
3.5.2 Qualitative Data Analysis	24
3.6 Validity and Reliability	25
3.7 Ethical Considerations.....	25
3.8 Limitations of the Study	25
3.9 Justification of the Methodology.....	26
3.9.1 Chapter summary.....	26
CHAPTER FOUR.....	28
DATA PRESENTATION, INTERPRETATION AND DISCUSSION	28
4.0 Introduction	28
4.1 Comparative Case study analysis	28
4.1.1 Uganda Case study	28
4.1.2 Democratic Republic of the Congo	30
4.1.3 Kenya Post-Election Violence.....	31
4.1.4 Sudan (Darfur Situation)	32
4.1.5 Central African Republic.....	33
4.2 Qualitative Thematic Analysis	34
4.3 Findings of the Study	36
4.4 Quantitative Analysis	36
4.5 Qualitative Data Analysis.....	40
4.5.1 Political Cooperation and Enforcement.....	40
4.5.2 Trial Complexity and Duration.....	40
4.5.3 Normative Legitimacy and Victim Inclusion	40
4.5.4 Selectivity and Perceptions of Bias	41
4.6 Chapter summary and conclusion	41

CHAPTER FIVE	42
DISCUSSION, SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	42
5.1 Introduction	42
5.2 Discussion of Findings	42
5.2.1 Addressing the Debate on International Criminal Court’s Selectiveness in Africa	42
5.2.2 Empirical Assessment of ICC Effectiveness	43
5.2.3 Reparative Justice and Victim Participation.....	43
5.3 Summary of the Study	43
5.4 Conclusions	44
5.5 Recommendations	45
5.6 Final Thoughts.....	46
REFERENCES	47

LIST OF TABLES

Table 4.4.1: Arrest Warrant Execution (N = 6 key African suspects coded)	37
Table 4.4.2: Case Outcomes (N = 6 completed ICC African trials)	37
Table 4.4.3: Trial Duration (N = 4 conviction cases)	38
Table 4.4.4: Victim Participation (N = 4 ICC conviction cases)	38
Table 4.4.5: Reparations Orders (N = 4 ICC cases with reparations).....	39

ABSTRACT

The establishment of the International Criminal Court under the Rome Statute marked a historic milestone in the fight against impunity for grave international crimes. As the first permanent international tribunal with jurisdiction over genocide, war crimes, crimes against humanity, and aggression, the ICC was designed to ensure accountability where domestic systems are unwilling or unable to prosecute offenders. Since its operationalization in 2002, the majority of the Court's investigations and prosecutions have focused on African situations, particularly in the Democratic Republic of Congo, Uganda, Libya, Central African Republic, and Sudan.

This dissertation critically examines the effectiveness of the ICC in prosecuting crimes against humanity within these African contexts. It argues that the effectiveness of the Court cannot be understood purely as a legal matter but must be analyzed through political, institutional, and governance dynamics. Using qualitative case study methodology and drawing upon realism, liberalism, constructivism, and feminist international relations theories, this study demonstrates that the ICC's effectiveness is significantly shaped by political will, state cooperation, institutional capacity, sovereignty concerns, and regional diplomacy. While the ICC has achieved notable legal milestones, including convictions and the development of victim participation mechanisms, its enforcement limitations and reliance on state cooperation continue to constrain its overall impact in Africa.

ACRONYMS

AU-African Union

CAR-Central African Republic

CS- Civil Society

DRC- Democratic Republic of Congo

GBV-Gender-Based Violence

IBA-International Bar Association

ICC-International Criminal Court

IJC-International Justice Monitor

IR-International Relations

MNC'S- Multi- National Cooperations

NGO'S- Non-Government Organizations

UN- United Nations

UNSC- United Nations Security Council

CHAPTER ONE

1.0 Introduction

This chapter will lay a critical foundation of this research by assessing the impact of the ICC in combating crimes against humanity in Africa. It presents the background of the study, highlights the problem statement and outlines the objectives and research questions that direct the investigation. In addition, the chapter highlights the relevance of the study, scope, and key concepts, thus setting the foundation for the comprehensive research.

2.0 Background of the Study

The establishment of the International Criminal Court (ICC) in 2002 marked a significant milestone in the development of international criminal law. The International Criminal Court was created under the Rome Statute of 1998 and it was mandated to prosecute individuals responsible for crimes against humanity, war crimes and genocide which are the most serious crimes of concern to the international community. The crimes against humanity (Murder, Enslavement, Extermination, Imprisonment or severe deprivation of liberty, Torture, Persecution on political, racial, ethnic, religious, or gender grounds, enforced disappearance, Rape, sexual slavery, enforced prostitution, apartheid in particular, involve widespread or systematic attacks directed against civilian populations (IJM, 2021).

Since the inception of the ICC, Africa has been central to its operations and there is quite a significant number of situations investigated by this court. These cases involved African states including the Democratic Republic of Congo, Uganda, Libya, Congo, Central African Republic and Sudan (Darfur). African governments referred some of these cases to the ICC while other cases were referred by the United Nations Security Council or even initiated by Prosecutor Motu Proprio. In this result, Africa has become a focal point in debates surrounding the legitimacy, fairness and effectiveness of the ICC.

Through the principle of complementarity, the Court seeks to encourage domestic accountability while serving as a court of last resort. The ICC was established to address impunity where national courts are unwilling or unable to prosecute international crimes. In theory, the ICC framework strengthens international justice and deters future atrocities. However, in practice, the

ICC has faced numerous challenges in prosecuting crimes against humanity, including difficulties in evidence collection, lack of state cooperation, political interference, and enforcement limitations (ICC, 2020).

The ICC represents both an opportunity for justice and a source of controversy for African states. In this regard, many victims of genocide and crimes against humanity have always and often welcomed international intervention, accountability strategies and mechanisms and despite this, many African institutions and leaders have severally criticized this Court for allegedly undermining the state's sovereignty and targeting Africa as a continent. With this fact, tensions raise critical questions about the effectiveness of the ICC in achieving its mandate within the African context. Therefore, as a governance and international relations student at Uganda Christian University believe that examining this critical issue is very important for understanding the interconnectedness and interaction between international law, sovereignty, politics and social justice in contemporary global governance.

3.0 Problem Statement

The ICC was established in 2002 and has made relevant impacts in enhancing global criminal justice. The ICC has indeed evidently prosecuted criminal responsible for crimes against humanity, has fostered significant legal precedents and also enhanced global norms against all impunities. With landmark cases including Dominic Ongwen and Thomas Lubanga, the ICC has demonstrated the capacity to hold all criminals responsible and accountable for their crimes. This has greatly contributed to the development of victim participation and centered justice through participation mechanisms and reparations. Despite the existence of the ICC as a permanent international criminal court and tribunal, crimes against humanity continue to be committed in various parts of Africa, often with limited accountability. In some instances, suspects remain at large for years, while in others, cases collapse due to insufficient evidence or lack of cooperation from their respective states. Although the ICC has opened multiple investigations and issued arrest warrants against individuals accused of such crimes, many cases have experienced significant delays, withdrawals, or non-enforcement (ICC, 2020).

It is in this view that the effectiveness of the ICC in prosecuting crimes against humanity in Africa has therefore been questioned. Many argue that the Court has failed to deliver timely

justice to victims or has been overly dependent on state cooperation, and has been weakened by political resistance from both non-African governments and powerful African states. At the same time, supporters of the ICC contend that the Court has contributed to deterrence, norm-building, and the global fight against impunity, even where convictions have been limited.

This situation presents and poses a governance and international relations problem: if the ICC is unable to effectively prosecute crimes against humanity, its credibility and effectiveness as an international justice institution is undermined, and victims are left without meaningful redress. Therefore, there is a need to critically assess the extent to which the ICC has been effective in prosecuting crimes against humanity in Africa and to also identify the legal, political, and institutional factors affecting its performance as an international criminal court and tribunal.

4.0 Major Objectives of the Study

4.1 General Objective

To examine the effectiveness of the International Criminal Court in prosecuting crimes against humanity in Africa.

4.2 Specific Objectives

To assess the challenges faced by the ICC in prosecuting crimes against humanity in Africa.

To analyze the prosecution of crimes against humanity in selected African cases before the ICC.

To evaluate the role of African states and international actors in supporting or hindering ICC prosecutions.

To propose measures for enhancing the effectiveness of the ICC in prosecuting crimes against humanity in Africa

5.0 Research Questions

What is the legal framework governing the prosecution of crimes against humanity under the ICC?

How has the ICC prosecuted crimes against humanity in African situations?

What legal, political, social and institutional challenges affect the ICC's effectiveness in Africa?

How does state cooperation influence the success of ICC prosecutions?

What reforms or strategies can improve the effectiveness of the ICC in addressing crimes against humanity in Africa?

6.0 Scope of the Study

The scope of this study will cover three dimensions that is; geographical, content and time and these are discussed in details below;

6.1 Content scope

This study will specifically focus on examining crimes against humanity as defined under Article 7 of the Rome Statute, ICC prosecutorial processes, state cooperation, and political influences on international criminal justice.

6.2 Geographical scope

Geographically, the study will focus on Africa, with reference to selected ICC cases involving African states such as Kenya, Uganda, Sudan (Darfur), and the Democratic Republic of Congo.

6.3 Time Scope

The study will cover the period from 2002, when the ICC became operational, to 2025.

7.0 Justification of the Study

As a student of International Relations, this research is justified because the ICC operates at the intersection of global governance, international law, power politics, and state sovereignty. Studying its effectiveness allows me to critically engage with how international institutions function in practice, beyond their legal mandates, which is central to IR scholarship.

This study will academically contribute to scholarship in international criminal law and governance by critically examining the effectiveness of the ICC within a specific regional

context. Therefore, this study and research will enhance understanding of how international legal institutions function in practice and the limitations they face.

From a governance and international relations perspective, the study is justified because it explores the relationship between international institutions, state sovereignty, and political power. Understanding these dynamics is essential for students and practitioners engaged in global governance and international cooperation.

Practically, the findings of the study may inform policymakers, legal practitioners, and international organizations on how to strengthen cooperation with the ICC and improve accountability mechanisms. The study also provides insights relevant to African states, including Uganda, in shaping their engagement with international criminal justice systems.

7.1 Significance of the Study

The study will be significant in the following ways:

Governance Significance: It will deepen understanding of how international justice institutions operate within complex political environments.

Policy Significance: The findings may guide reforms aimed at improving cooperation between African states and the ICC.

Academic Significance: It will serve as a reference for future research on international criminal law, the ICC, and accountability for crimes against humanity.

Legal Significance: The study will highlight gaps in the prosecution of crimes against humanity and propose legal and institutional improvements will highlight gaps in the prosecution of crimes against humanity and propose legal and institutional improvements.

Societal Significance: By focusing on crimes against humanity, the study underscores the importance of justice for victims and the prevention of future atrocities.

8.0 Conclusion

In conclusion, this concept note proposes a study on the effectiveness of the International Criminal Court in prosecuting crimes against humanity in Africa. While the ICC represents a major impact and advancement in international criminal law, its performance in Africa has been shaped by legal, political, and institutional challenges. By critically assessing these factors, the study aims to contribute to stronger international justice mechanisms and improved accountability for crimes against humanity.

9.0 CONCEPTUAL FRAMEWORK

This conceptual framework study is premised on the relationship between the governance, institutional and the political environment within the African States and the legal mandate of the International Criminal Court under the Rome Statute. The independent variables include the legal framework (Article 7 on crimes against humanity), Political will, international support, regional politics and the state cooperation, political will, institutional capacity, and international support. The dependent variable is the effectiveness of the ICC in prosecuting crimes against humanity in Africa, examined through evidence such as Arrest and surrender of suspects, successful prosecutions on trial, timely trials, victim reparations and justice, enforcement of arrest warrants, victim participation, and deterrence of future crimes. Intervening variables include regional politics and sovereignty concerns, regional (such as positions taken by the and United Nations Security Council (UNSC) and the African Union (AU) referrals. The last resort jurisdiction acts as a moderating factor which shapes the extent to which African domestic courts either hinder or support the ICC intervention.

9.1 CONCEPTUAL FRAMEWORK

Independent variable

- Legal framework
- Political will
- Regional politics
- State cooperation
- Institutional capacity

Dependent variable

- Arrest and surrender of suspects
- Successful prosecutions
- Timely trials
- Victim reparations and justice
- Deterrence of future crimes
- Enforcement of arrest warrants
- Victim participation
- Deterrence of future crimes

Intervening variable

Regional politics and sovereign concerns such as United Nations Security Council (UNSC) and the African Union (AU) Referrals.

9.2 Moderating variable

- Last resort jurisdiction

Adopted from (Bosco, 2014; Murithi, 2008; Schabas, 2017) and (Aning & Lartey, 2016; Akande, 2011).

This conceptual framework presumes that the ICC's effectiveness relies greatly on the interconnectedness between the political realities and the legal authority within African states such as Democratic Republic of Congo, Sudan, Uganda and Kenya. It is true that the ICC has jurisdiction over crimes against humanity and therefore its success in prosecution relies heavily and largely on evidence collection and gathering, cooperation for arrest and enforcement of

judgments. Limited institutional capacity, political resistance and sovereignty concerns may undermine prosecutions despite having a strong legal mandate. In contrast, international support and strong domestic judicial systems can strengthen accountability outcomes. Thus, the conceptual framework illustrates that the effectiveness of the ICC is a governance issue shaped by institutional dynamics, politics and laws in the African context and it is not solely a legal issue.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter gives us highlights on what other scholars have researched and written about analyzing the effectiveness of ICC in Africa and it is in accordance with the set objectives of the study by assessing the political, legal and institutional factors that impact the prosecution of crimes against humanity, reviewing the overall impact of the ICC interventions in the selected African countries such as Uganda, Libya, Sudan, Kenya, Mali, Central African Republic and the Democratic Republic of Congo while examining state engagement. Different researchers highlighted on the theories of International Relations. Different scholars provide data on the international relations theories which gives insight on the different perspectives on global governance and hence illustrate a theoretical framework for analyzing the ICC operations and effectiveness in Africa.

2.1 Definitions and concept of international relations

2.1.1 Theoretical framework

According to O. P. Jindal (2025), International Relations (IR) is the study of the relations between states, nations, states and non-actors in the global arena. The study of international relations seeks to interpret, explain and anticipate interactions between sovereign entities, intergovernmental organizations, multi-national corporations and non-state actors. Such trends and patterns include diplomacy, governance and conflict. International Relations as a discipline combines both the empirical analysis and the theoretical frameworks in order to understand how global actors respond to threats, strive for their interests, and collaborate within the limitations of the international order (Morgenthau, 1904). He argues that this field is only driven and concerned with the distribution of the power, institutions, international norms and institutions rationally. Powerful states are waging war on the weaker ones simply because these powerful states are anarchic in nature.

Scholars such as E.H Carr (2001) and Hans Morgenthau (1980) as both are classical realists illuminated the contradiction between power and morality asserting that the international system

is predominantly shaped by the exercise of power and national interest. It is illustrated by Morgenthau's classic realism that the global arena has no central authority, is anarchic and not capable of enforcing norms and rules. It is also evidenced that there is a gap between the normative (US) foreign policy and IR theories. States are the primary and principal actors in this framework and they operate in an anarchic system where the security and the survival are predominant concerns.

Despite the fact that the concept of International Relations goes beyond power politics and dominance, other scholars like Joseph Nye as a liberalist argue that the international system is not only anarchic in structure but it emphasizes collaboration of states. Scholars such as Joseph Nye and Robert Keohane (1977, 2001) emphasize that states and non-state actors are connected through a series of channels including the environmental, economic and the social trends and networks of the international system. And therefore, the scholars above introduced the concept of complex interdependence in the global arena. The concept of complex interdependence emphasizes that through signing treaties, international institutions and the jurisdiction of the international law, the international system can easily collaborate and that this can reduce conflict thus enable mutual engagement, diplomacy and problem-solving. For example, the African Union (AU), the United Nations (UN), and international courts such as the International Court of Justice (ICJ) and the International Criminal Court (ICC) operate and implement as international tools to resolve disputes, regulate behavior and foster normative compliance among states.

Scholars like Alexander Wendt (1999) a constructivist argues that international relations as a concept it is socially built which means that the beliefs and collective understandings and the actions of the states and non-state actors are shaped by global norms and shared responsibilities. The constructivist as an approach in the international system basically focuses on identities, social norms and the role of ideas. Therefore, social construct influences state behavior in aspects like humanitarian intervention, gender inequality, norm surrounding and human rights. For example, the doctrine of the Responsibility to protect against crimes against humanity and crimes such as genocide illustrate the essence and framework of social constructivism in order to shape the global arena despite the absence of strict enforcement laws.

Furthermore, the realistic view of the contemporary International Relations recognizes the significance of non-state actors such as the non-governmental organizations (NGO's),

Multinational corporations (MC's), non-governmental organizations (NGOs), Civil Society (CS), among other international advocacy networks that predominantly influence international politics (Steve, C. 1997). The rampant rise of international activism and global civil society has become so multidimensional that the nature of contemporary IR is traditional despite the contradictions between international and domestic politics which are always blurred. Contemporary international relations Issues such as human trafficking, climate change and pandemics call for collaborative approaches and measures that surpass all national borders thus highlighting the significance of multifaceted analysis within the discipline of International Relations (Nye & Welch, 2013).

Sovereignty is another central concept in the study and discipline of International Relations. Sovereignty simply means the ultimate power and authority of states to dominate and govern their territories both internally and externally from outside influence or interference. Government sovereignty became very important from 17th century and by signing Westphalia peace treaty 1648 that had been made to end thirty years' war in Europe (Sens & Stoott, 2005: p.48). State interactions are governed by their sovereignty as a foundational principle in order to comply with the international law. State sovereignty is often shaped by the influence of international policies, treaties and international institutions. For example, according to Daniel. G.P and Predrag. R (2003), the contradictions on the effectiveness of the international Criminal Court (ICC) in prosecuting crimes against humanity in African states portray the difference between global responsibility and justice and state sovereignty (national interest). Therefore, to understand how institutions, power and norms shape the behavior of the states, there is an interplay between the accountability and the autonomy as an IR concern making it a complex international environment.

International Relations as a discipline also interplays the different critical perspectives to portray the explanatory power of the conventional theories. Scholars like Enloe examines how power is distributed between genders and this further shape the international systems and the experiences of different women in conflict and post conflict aspects. (Cynthia. E 1989). Feminism as a postcolonial approach addresses historical consequences of colonialism and the power injustice structures between the Global South and North thus giving insights into contemporary challenges of dependency, inequality and representation in international organizations. Cynthia makes an

argumentative statement that says that “gender makes the world go round” and also gender is an organizing principle of the world and she further more stresses the significance of considering gender as an analytical device and lens through which to view the practices that make up the international system. Such perspectives explain and explore that the study of International Relations is not only about understanding the interplay and interaction of the international system but also about examining the structural, historical, and normative factors that shape global outcomes.

In conclusion, International Relations is a multifaced and diverse field that examines how different actors behave within the transnational system, the norms and responsibility that guide behavior and the mechanisms that structure collaborations, and the norms that guide state behavior. This entails theoretical frameworks like realism, liberalism, and constructivism while merging critical perspectives that assess historical inequality, gender and non-state actors. Therefore, scholars that study international relations and practice it are often exposed to the analytical perspective of the operation of global organizations, causes of conflict and the cooperation of the states and the sequences through which ethical transformation occurs. With the ethical transformation, states work hand in hand to combat global challenges like poverty, calamities, wars among others. IR as an interdisciplinary field is critically essential for guiding international law, informing policy and promoting cooperation, security and justice in an increasingly transnational world.

2.1.2 The relations between the ICC and International Relations

In a study documented by International Bar Association (IBA, 2009), which is greatly considered as a recent examination for landmark developments at the ICC. This paper explores and emphasizes that the ICC represents an institutionalization of a criminal’s accountability in the international jurisdiction. Antonio further argues that the ICC legislates extensive crimes against humanity like sexual crimes, enforced disappearance, murder, torture, enslavement, extermination and persecution hence establishing defined principles for accountability. A case in point is the ICC’s prosecution of Thomas Lubanga in DRC illustrates how this Court’s legal framework effectively hold criminals accountable even in volatile conflicts settings. Despite all this, in a study conducted by Cassese, he emphasizes the fact that solitary jurisdiction is

inadequate to ensure the enforcement thus illustrating the crucial role of the political will and state cooperation.

The study conducted by Wierda, M.I (2009) highlights an extensive doctrinal analysis of the International Criminal Court cases thus emphasizing both procedural and normative and procedural dimensions. Wierda greatly asserts that it is true that the ICC has broadened the international law crimes against humanity in particular and its impact is often alleviated by political constraints, delays and partial enforcement. The prosecution of Joseph Kony in Uganda is a case point that reveals challenges in arrests and evidence collection as the LRA operated across borders and this complicated jurisdiction logistics. In May 2012, the minister of Internal Affairs Hilary Onk, passed statutory Instrument 32/2012 with the effect of lapsing part II of the Amnesty Act 2000. But in 2013, the Ugandan parliament voted to reinstate part II of the Amnesty Act and this lapse caused a wave of concern from local groups. In 2012, up-to 26,288 rebels from 29 rebel groups had utilized the Amnesty law and of these, an estimation of 12,971 rebels belonged to the LRA. Wierda asserts that the effectiveness of the ICC must be evaluated on reparations, deterrence and victim participation broadly and not solely on criminal convictions.

An additional study by N. Ali, (2019) argues that the International Court within power politics and global governance highlights that the ICC greatly depends on its cooperation from both major international actors and African states. Ali further asserts on the role of the United Nations Security Council (UNSC) in shaping ICC legal framework especially in Libya and Sudan where the UNSC designated the crimes against humanity to the ICC in 2005 and enabled prosecutions to take place in these African states however, this also triggered political tensions. The arrest of Omer Hassan Al-Bashir in 2009 and 2010 gave rise to contentious debates about the ICC and its relationship with African states ever since and has come to be seen as a symbol of the claimed African bias of the Court. In addition, he also emphasizes that the concentration on Africa is a selective enforcement which highlights that when it comes to prosecuting African states there are legal considerations which portrays structural imbalances in global power.

The study conducted by Nadia Ali (2019), highlights a crucial perspective arguing that the International Criminal Court's interference can worsen conflict when power dynamics are ignored. A case in point is in Sudan, the prosecution of Omar al-Bashir which portrays how ICC

prosecutions often complicate and hinder peace negotiations and in the later ignite state resistance. The arrest warrant issued against Sudan's President Al-Bashir became a debate on the bias of the ICC towards Africa. Ali (2019) argues that the unconstrained veto powers of the P5 has resulted in a hierarchy of sovereignties where only certain crimes are referred based on whether or not they have an ally in the Security Council. This scholar further argues that international jurisdiction must always consider domestic laws and even the chance of underrating state's governance structures despite that fact that the ICC is normatively desirable.

In a study by Fatou. B. (2014) argues that the role of international jurisdiction frameworks and local or community attitudes in determining the effectiveness of the ICC is in a question context. For instance, In Uganda the prosecutions against Joseph Kony and other LRA leaders portrayed the commitment of the international community to accountability. However, the local communities prioritized peace and reconciliation strategies like Mato Oput. She asserts that failure to align with local justice and international legal processes norms reduces social acceptance and legitimacy and this undermines long-term prevention and reconciliation. Fatou documents that since its establishment in 2002, the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) has investigated eight situations involving alleged violations of international criminal law and that all situations and cases under investigation or prosecution by the ICC are majorly in Africa. Each of these investigations related to situations in Africa, namely, the Democratic Republic of the Congo (DRC), Uganda, the Central African Republic (CAR), Darfur/Sudan, Kenya, Libya, Ivory Coast, and Mali. However, the OTP has received information on alleged abuses in other parts of the world, such as Iraq, Venezuela, Palestine, Colombia, and Afghanistan, but it has decided not to open investigations into those situations or kept them under preliminary examination in order to make a determination on whether to proceed with an investigation.

2.1.3 Realism theory on the ICC

Jack Goldsmith and Eric Posner (2005) provide an extensive on the realistic perspectives of the IR. This theory within International Relations is discussed by Jack Goldsmith and Eric Posner (2005) who emphasize the limitations of the ICC imposed by global power dynamics and state sovereignty. They assert the fact that transnational institutions like the ICC cannot hold powerful states accountable for crimes against humanity and thus cannot act independently of powerful

states and this is the reason why major ICC cases have greatly involved African countries. Goldsmith and Posner acknowledge that coincidence of interest and coercion occur in the international human rights context without legal agreements, but nonetheless assert that states choose treaties over nonlegal arrangements on the basis of the cooperation rationale. In the Limits formulation, a state's preference for how it treats its own inhabitants results from balancing individual rights against national security. A state will therefore abuse the human rights of its own inhabitants when it believes doing so will promote national security. Realist theory highlights that the Court's prosecutions and jurisdiction reach are hindered by the state's political will and this illustrates a tension between legitimacy and implementation Margaret E. McGuinness.

2.1.4 Liberalism on ICC

According to Andrew Moravcsik (2000) with his liberalistic perspective, the ICC can strengthen international law institution and through cooperation and institutional structures and mechanisms. African states like Mali, CAR and Uganda illustrate that some states interpret the ICC as a supportive mechanism for addressing domestic unaccountability thus demonstrating how the international community can strengthen domestic accountability particularly when political alignment exists. Moravcsik argues that the legitimacy of the ICC is improved when states engage actively in evidence provision, compliance and prosecutions. The central insight distinguishing Liberal international relations theory is that States are embedded in domestic and international civil society, which decisively constrains the underlying State interest on which foreign policy is based. This concern with State-society relations permits Liberals to endogenize variation in national identity, interest and purpose within the explanations of the international behavior of States. Liberalism is seen as the generator of a new paradigm for international relations theory; a paradigm which is apt to supplant the prevailing mode of thought (like realism), which posits political and physical power as the touchstone of international relations. This new strand of liberal theory focuses attention on the genesis of international relations and law. (Brian. F.F).

2.1.5 Constructivism on ICC

Scholars such as Kathryn Sikkink (2011) focus on norm spread and the “accountability wave,” asserting that the ICC prosecutions impact international standards regarding accountability for crimes against humanity. There are limited convictions in Africa and the ICC contributes to the progressive assimilation of norms against all exemptions. The post-election violence prosecutions in Kenya (2007-2008), served as illustrative examples where moral pressure shaped domestic legal frameworks, portraying the ICC’s role in establishing a culture of holding all states accountable internationally. Famously, it advances socialization as a mechanism leading to greater respect for human rights, but also proposes a rationalist argument wherein prosecutorial deterrence is a backstop to weak or unwilling domestic judiciaries, with the Rome Statute of the ICC playing a pivotal role. The “justice cascade” theory predicts that, to the extent that they internalized norms of accountability and legality, states will act consistently with the (legal) rights and obligations reflecting those norms. (Barry. H; Kevin. W.G; Kafumu. K, 2024).

2.1.6 Feminism theory on ICC

Dowds, E. (2020) and Hilary Charlesworth (2002) present an extensive summary of the feminist perspective further broadening the understanding of ICC effectiveness. They emphasize the ICC’s acknowledgement of GBV crimes as crimes against humanity, which include rape, enforced prostitution and sexual slavery. Prosecutions in the CAR and DRC have illustrated sexual violence as an organized armament of war, advancing both social and legal recognition of targeted or victimized communities. Feminist scholars emphasize that such acknowledgement critical in assessing the ICC effectiveness, as it illustrates historical justice for the marginalized groups which extends the principled reach of the Court, and this empowers GBV victims to engage in international judicial processes. As noted by Charlesworth, a feminist analysis of international law can be compared to an ‘archaeological dig’ whereby different feminist theories are appropriate at different levels of analysis. However, the ICC may only assert jurisdiction where a state that would otherwise have jurisdiction is unwilling and genuinely unable to investigate or prosecute the issue and its unique position as a court of individual criminal liability for a limited set of international crimes, it is useful to understand how the ICC operates because the court only has jurisdiction over only four types of crimes that is to say war crimes, genocide, crimes against humanity and aggression.

2.2 Empirical review

Scholars Hyeran Jo (2010) and Beth Simmons (2014) engage in an Empirical research study which explores the deterrence potential of the ICC suggesting that additional enforcement and prosecutions may reduce future crimes against humanity. These scholars note that however the deterrence is conditional upon visibility of proceedings, swift action and state cooperation. Libya, Sudan and some parts of the DRC portray the Court's deterrent capacity because in these states, there was limited enforcement highlighting the interaction of institutional capacity, legal authority and political willingness in shaping the impacts. The question of the ICC's impact is important because it has the authority to enforce international law against those who commit the most serious and systematic crimes. With more than 100 state members, the Court issued its first conviction – of Thomas Lubanga, a rebel leader of the Democratic Republic of Congo in 2012 and is now examining crimes against humanity in Kenya. In Kenya, some supporters of Kenyatta and Ruto quite obviously did not want the ICC to try their leaders and the government commenced a relentless campaign against the ICC (to include Kenya's withdrawal from the institution). Even so, in late 2011 nearly 60 percent of Kenyans supported the ICC process, rising to nearly 70 percent in Nairobi and 86 per cent in the Nyanza region. Moreover, 77 per cent of Kenyans polled said they had followed the ICC proceedings naming the "Ocampo Six" very closely. As the ICC takes action, it not only raises expectations of prosecution, it shapes social expectations about what constitutes justice more broadly. We test our hypotheses using a quantitative approach, with a global analysis covering the period 2002–2019. The quantitative approach is important, as it allows us to compare situations that were examined by the ICC to those that never reached ICC attention. The potential bias of the ICC goes two ways: it may get involved in some situations despite comparatively low severity of war crimes, and it may fail to examine other situations despite severe atrocities L. Hultman, 2015.

2.3 African Union review on ICC

The African Union's (AU) analysis provides insightful responses and noting tensions between the ICC and African states. There has been resistance in countries like Kenya, Sudan and other states highlights concerns about selective justice, neocolonial perceptions and sovereignty. The study underscores the relevance of understanding the Court's effectiveness through the lens of institutional engagement, regional diplomacy and political legitimacy and not solely in legal

terms. In light of the AU's continued concerns about the ICC's action against the incumbent Sudanese leader, and the impasse that has resulted, there is a growing fear within the international criminal justice community in Africa and elsewhere about the ICC's ability to achieve its mandate under the referral. The AU worried that a prosecution of the incumbent Sudanese president could impede the prospects for peace. It also agonized over the potential unraveling of the fragile political gains that had already been made towards resolution of the crisis in Darfur. The UNSC considered the AU request only briefly and failed to act on it (Dapo. A; Max. D. P; Chales. C. J, 2010).

2.4 Summary of Literature review and identifying a research gap

To sum it up, the literature review investigates the effectiveness of the ICC in Africa as a multifaceted influenced by normative pressures, political dynamics, legal frameworks, institutional capacity and state cooperation. Despite the fact that there are notable achievements, the ICC faces a number of challenges such as tension with the domestic jurisdiction, enforcement limitations and political resistance enforcement limitations that continue to shape the Court's outcomes. Different scholars emphasize and contribute to relative assessments of numerous African cases, particularly in social considerations, political, together with legal analysis. This research study responds to these gaps by analyzing cases from CAR, Uganda, Mali, DRC, Kenya and Sudan, Kenya and Libya with attention to both political and legal determinants of the effectiveness of the of ICC (Heba. Y. A. M, 2016).

Despite the fact that several scholars have examined the role of the ICC in promoting accountability and international justice, the literature reviewed primarily focuses on political debates, and legal frameworks that encompasses the Court's jurisdiction, power, legitimacy and its supremacy (Bosco, 2014; Schabas, 2017). The study provides important insights into the enforcement of the Rome Statute and the organizational framework of the ICC. There is an existing gap in this literature review "Is the ICC targeting Africa inappropriately or are there sound reasons in disguise and justification for why all of the situations currently under investigation or prosecution happen to be in Africa"?

Another gap identified is why is there limited empirical analysis that evidently examines the ICC effectiveness in prosecuting crimes against humanity in Africa importantly in terms of

measurable impacts such as reparations, convictions and victim participation. Therefore, there is a need to study a combination of quantitative indicators and qualitative legal analysis in order to evaluate and assess the real performance and outcomes of the ICC in addressing heinous global crimes in Africa.

2.4.1 Conclusion of the literature review

Therefore, this study addresses this gap by focusing on the time scope of 2002-present. This is a timeframe that will encompass an extensive assessment of the ICC in prosecuting crimes against humanity in Africa. Basically, the study will focus on the court's legal mandate and framework under the Rome statute of the ICC. To examine the processes through which investigations and prosecutions are instituted and the operational challenges that arise in implementing the ICC justice within the African environment. Particularly, attention will be given to the selected African state cases which the court will handle in order to examine how the trials, indictments, investigations and judgements have contributed to the transparency and accountability for all crimes against humanity. The study will also investigate and examine the engagement of victims and the wider consequences of the ICC interventions for the promotion of justice, accountability, transparency and the rule of law on the African continent. The study will provide a balanced assessment of how effective is the ICC in fulfilling its mandate of addressing crimes against humanity in Africa by evaluating both the achievements and the limitations of the Court.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter outlines the research approach, methods and designs that will be used to assess the effectiveness of the International Criminal Court (ICC) in prosecuting crimes against humanity in Africa. The methodology is influenced by the research study objectives, questions, and conceptual framework. It provides an extensive explanation of the analysis strategies, data sources, ethical considerations and theoretical orientation.

3.1 Research Design

This study will adopt a mixed-method research design to examine the effectiveness of the International Criminal Court (ICC) in prosecuting crimes against humanity in Africa. Both the qualitative and quantitative approaches are to be integrated in a single study to give a more extensive understanding of the complicated research problems. ICC's effectiveness is multidimensional, local legitimacy, deterrence impact, enforcement capacity, institutional enforcement, normative legal authority and political will.

Quantitative research design will include performance indicators such as arrests, trial durations, convictions and victim participation to statistically present the quantitative data. Empirical scholars demonstrate that evaluating the ICC and ICJ institutions requires both measurable indicators of institutional performance and doctrinal interpretation (Jo & Simmons, 2016). Therefore, the qualitative element is the primary foundation of this research study and critically focuses on comparative case studies and doctrinal legal analysis. While the quantitative element is the secondary data and it is to be achieved by integrating existing empirical data to assess the ICC performance matrix. The research design will enable both interpretive depth and empirical validation and this is achieved only if these approaches are to be incorporated together.

Theoretical Framework

This research study is governed by the four major theories of International Relations which include Realism, Liberalism, Constructivism, and Feminist theory.

The Realism theory, as defined by Jack Goldsmith and Posner (2005) argues that the ICC limitations are imposed by global power politics and state sovereignty. From the realist perspective, the International Criminal Court's (ICC) effectiveness is constrained by the dynamics of international power relations and the political will of powerful states.

Moravcsik (2000), represented the Liberal theory asserts that international institutions foster accountability and compliance through legal and cooperation and legal strategies. Therefore, within the liberalistic framework, the effectiveness of the ICC greatly depends on adherence to legal commitments, state cooperation and institutional engagement.

The concept of "justice cascade" presented by particularly Sikkink's (2011) discusses the Constructivist theory highlighting the internalization and diffusion of accountability principles across all states. The ICC is reviewed by the constructivists as a strategic tool that contributes to the phased implementation of international standards against atrocities.

Feminist scholars Dowds, E. (2020) and Charlesworth (2002) widen the analysis on the effectiveness of the ICC by emphasizing the acknowledgement of GBV as crimes against humanity and the empowerment of historically vulnerable and all the marginalized communities.

These theoretical perspectives put together analytically provide lens through which this research study interprets institutional outcomes, political constraints and legal developments.

3.2 Data Collection Methods

Both primary and secondary data collection methods are to be relied on for this research study. The study will have mixed methods research and data will be collected and retrieved from scholar books, United Nations Security Council resolutions, reports from international human rights organizations, case judgements, ICC official reports, and the African Union communiqués (Creswell & Plano Clark, 2007)

3.2.1 Secondary data

For quantitative aspect of this study, data will be collected explicitly through measurable indicators like arrests, executions, trial durations, victim participation, convictions and reparations. Data is also to be analyzed through archival and analysis sources such as data from

the Trust Fund for Victims, official ICC reports, records and case statistics, which will give measurable indicators like the number of convictions, indictments, arrests, victim reparations and participation granted. (Creswell & Creswell, 2007; Bryman, 2016). Basically, quantitative data are to be derived from the ICC performance existing empirical studies and statistics. Simmons (2014) and Jo (2010) give the empirical evidence regarding the enforcement visibility and deterrence which guides the evaluation of institutional outcomes.

Structured observation and rating scales will be used to quantify patterns and systematically code across selected African cases, such as enforcement of arrest warrants, trial durations in the years, victim participation levels, convictions per case and successful prosecutions (Robson & McCartan, 2016). To add on, rating scales to be applied will convert the effectiveness, deterrence and fairness of the ICC stakeholder assessments suitable for statistical analysis into numerical data (Joshi & Sharma, 2021). **Bryman, 2016**

3.2.2 Primary data

For the qualitative data, this study will primarily be collected through involving a systematic review of institutional and legal documents (documentary analysis). The key data sources are ICC official report relating to crimes against humanity, complementarity, state cooperation, the Rome Statute of the ICC particularly Article 7, official reports and judicial decisions (Creswell, 2007). Case study analysis will be employed in the study against the selected African cases in order to assess how the ICC legal frameworks are put into practice. Scholars Dowds, E. (2020); Kathryn. S (2011) will help in providing scholarly interpretations that will support in the doctrinal analysis to be used in the research.

3.3 Target populations

In addition, the study will apply to targeted choice of comparative case studies, including Uganda (Joseph Kony), Kenya (2007–2008 post-election violence), Democratic Republic of Congo (Thomas Lubanga), the Central African Republic (CAR), Libya and Sudan (Omar al-Bashir). The selected cases illustrate variations in political cooperation, enforcement and legitimacy (Clark, 2011; Bosco, 2014; Mamdani, 2009)

3.4 Sampling techniques

3.4.1 Purposive Sampling (Non-probability)

Purposive sampling is the primary sampling technique to be used in this study. Creswell. J. D & Creswell. J.D 2018 explain that the purposive sampling technique involves an intentional selecting cases or sources that are most relevant to the research objectives. The researcher deliberately chooses ICC cases that involve crimes against humanity and have significant legal and political implications in Africa. Purposive sampling will involve deliberate selecting of reports or documents and cases that are most relevant to the research objectives. The study will be specific in selecting the Court's cases such as this would include specific ICC cases such as Omar al-Bashir, Dominic Ongwen, and Thomas Lubanga. Thomas, 2017; Stratton, 2024 explain that purposive sampling provides both academic and practical advantages that help in contributing to high quality research outcomes (Memon et, al. 2025). The selected African cases will provide relevant data and information about victim participation, institutional challenges and the ICC legal framework making the research have depth in both the qualitative and quantitative analysis. In this research, purposive sampling will be applied in selecting major ICC situations such as cases from the Democratic Republic of Congo, Uganda, Kenya, Sudan (Darfur), Libya, and the Central African Republic. These cases were selected because they illustrate different levels of state cooperation, enforcement challenges, and prosecution outcomes under the Rome Statute (Bosco, 2014; Schabas, 2017). The use of purposive sampling will enable the researcher to focus on cases that provide meaningful insights into the effectiveness of ICC prosecutions.

3.4.2 Stratified Sampling (probability)

Stratified sampling will be involved in dividing the population into subgroups (strata) and selecting samples from each stratum. Therefore, the study of the strata could be ICC cases categorized by country like Sudan, Uganda, DRC and Kenya and the type of crimes like war crimes, crimes against humanity and genocide. It can even be the impacts like acquittal, ongoing trial and convictions. Due to the fact that stratified sampling fosters representation in the different situations and cases, this will help to identify a number of patterns and the effectiveness of the ICC in the selected crime categories and African states (Flower, 2014).

3.4.3 Snowball Sampling (Non-probability)

The study will apply a Snowball sampling technique where different initial cases or sources will engage the researcher to additional relevant documents and cases. In this context, this will involve starting with major ICC cases and then identifying and assessing related victim participation reports, judgments and trials that are linked to the same perpetrators. Flower, 2014 describes the snowball sampling technique that it is helpful in identifying the population easily since some populations are difficult to access and especially since some of the cases are interconnected like those that involve rebel group leaders that were prosecuted in different countries. This sampling technique allows a researcher to identify and assess many more relevant materials systematically.

3.5 Data Analysis

This research study will implement a mixture of comparative case analysis, descriptive doctrinal analysis thematic analysis, thematic analysis, comparative case analysis, and descriptive statistical analysis.

3.5.1 Quantitative Data Analysis

For quantitative data analysis, descriptive statistical analysis will interpret quantitative indicators such as arrest warrant execution, trial duration, victim participation levels, indictment rates, conviction outcomes, trial duration and reparations delivered (Jo & Simmons, 2016). This kind of multi-layered analysis strengthens the explanatory capacity of the study. Thematic analysis is to be applied specifically to identify recurring patterns across cases, including state cooperation, norm diffusion, political resistance, selective enforcement and legitimacy challenges (Bosco, 2014; Mamdani, 2009).

3.5.2 Qualitative Data Analysis

For qualitative Data analysis, comparative case analysis will enable the identification of similarities and differences across African contexts, assessing how political dynamics shape ICC outcomes and also doctrinal analysis is to be used to examine how crimes against humanity and accountability principles and have evolved interpret legal texts and judicial decisions (Cassese, 2008; Schabas, 2017).

For the Quantitative data analysis, the study will apply descriptive statistics, charts, tables, averages, trends and percentages to numerically measure the arrest rates, trial durations, execution rates, victim participation, conviction and reparations and show the ICC performance metrics.

3.6 Validity and Reliability

The integration of multiple theoretical perspectives will strengthen internal validity by allowing cross-theoretical interpretation of findings. To enhance validity, the study employs triangulation by cross-verifying findings from doctrinal analysis, empirical research, and comparative case evidence (Jo & Simmons, 2016).

Reliability will be consistent in data interpretation and maintained by applying uniform analytical criteria across all selected cases. It is ensured through the use of peer-reviewed academic sources, official ICC documentation, and authoritative institutional reports.

3.7 Ethical Considerations

The research will rely exclusively on publicly available materials and published scholarship, thereby posing minimal ethical risk. No primary human subjects are directly involved. However, sensitivity will be maintained when discussing victims of crimes against humanity and gender-based violence. Feminist methodological approaches emphasize respectful and responsible treatment of marginalized communities in international legal research (Chinkin, 2006). The study will adhere to these ethical principles by ensuring balanced and non-exploitative representation.

3.8 Limitations of the Study

Certain methodological limitations are acknowledged like isolating the specific impact of ICC interventions from an extensive political and security variables remains methodologically challenging. Bosco (2014) and Mamdani (2009) explain that conflict mechanisms are shaped by multifaceted systems and environmental or geopolitical factors, complicating causal examination. Variations in reporting principles may affect the consistency outcomes of the quantitative indicators across the conflict settings.

However, the study will apply a mixed-method design that will help provide a comprehensive framework for assessing the relationships between the institutional enforcement, political constraints and the legal authority of the ICC effectiveness in prosecuting Africa.

3.9 Justification of the Methodology

The study will adopt a mixed-method design that is justified because of its comprehensive and the all-encompassing character of the Court's effectiveness. Critically, doctrinal legal analysis independently would not be able to capture measurable enforcement outcomes just as the quantitative indicators alone would also fail to explain the and the political dynamics and the normative legitimacy. By applying both the quantitative and qualitative approaches, the study will provide both an empirical grounding and an interpretive depth with the use of charts and tables that will complement the qualitative analysis. (Bosco, 2014; Mamdani, 2009).

In addition, integrating multiple theoretical international relations theories such as Realism, Liberalism, Constructivism, and Feminism ensures that the research does not independently rely on explanatory paradigm but the study also assesses the effectiveness of the ICC spanning social, political, normative and institutional dimensions (Chinkin, 2006; Moravcsik, 2000; Goldsmith & Posner, 2005; Sikkink, 2011).

For the above justification, the selected methodology is both necessary and relevant for an extensive examination of the ICC's interplay in prosecuting crimes against humanity in Africa.

3.9.1 Chapter summary

This chapter has presented an extensive research methodology for assessing the ICC in combating crimes against humanity in Africa. The study adopts a mixed-methodology research design which integrated both quantitative and qualitative approaches to respond to the comprehensive aspects of the effectiveness of the ICC which included local legitimacy, political constraints, institutional enforcement and the normative legal authority (Jo & Simmons, 2016; Bosco, 2014). For the data analysis methods, the qualitative factors have been grounded in comparative case studies and doctrinal legal analysis which allowed for an in-depth assessment of the ICC legal frameworks. However, the quantitative factors used measurable variables such as trial duration, convictions, victim participation, indictments and arrests so as to give an

empirical authentication (Creswell & Creswell, 2007; Bryman, 2016). The study applied purposive, stratified, and snowball sampling techniques which has ensured the representativeness and relevance spanning through the selected African cases, including CAR, DRC, Libya, Uganda, Kenya and Sudan (Mamdani, 2009; Schabas, 2017; Bosco, 2014). By interplaying numerous International Relations theories Realism, Liberalism, Constructivism, and Feminist theory the methodology study provided a comprehensive framework to interpret normative legal developments, political dynamics and institutional outcomes however this maintained high ethical standards, validity and reliability (Dowds, 2020; Chinkin, 2006; Goldsmith & Posner, 2005; Sikkink, 2011; Moravcsik, 2000). In summary the methodological design applied ensured a multi-faceted analysis and a comprehensive performance of the ICC's and its contribution to justice and accountability Africa.

CHAPTER FOUR

DATA PRESENTATION, INTERPRETATION AND DISCUSSION

4.0 Introduction

This chapter analyzes and presents data on the International Criminal Court's (ICC) effectiveness in prosecuting crimes against humanity in Africa, as per the specific objectives and Chapter 3 (research methodology). This chapter integrates both qualitative insights and quantitative indicators in compliance with the mixed-method research design. With qualitative, insights are drawn from doctrinal and documentary analysis and basically, this analysis interprets institutional outputs through normative, legal and political lens and comparative case studies. Quantitative indicators such as trial durations, arrest warrants, execution rates, trial durations, convictions, and victim participation. The datasets presented are researcher-coded from ICC case records, and each indicator is analyzed independently using its own relevant denominator (N). The selected cases examined such as situations in Central African Republic (CAR), Kenya, Sudan, Uganda, Libya and Democratic Republic of Congo. Basically, these cases portray different levels of enforcement challenges, judicial outcomes and political cooperation within the Court's framework.

4.1 Comparative Case study analysis

Basically, the comparative case studies investigated the ICC complex processes by assessing the differences and similarities among the selected cases so that to observe frameworks of the court's effectiveness, enforcement challenges, and institutional outcomes. In the context of the ICC this approach is significantly relevant because the assessment of the ICC cannot be examined entirely on abstract legal provisions but also examined through practical experiences within the selected study cases (Yin, 2018; Creswell & Creswell, 2018).

4.1.1 Uganda Case study

Uganda's situation represents one of the earliest and most significant cases presented before the ICC. Scholar Schabas argues that in January 2004 during the conflict between government forces and the rebel group known as the Lord's Resistance Army (LRA) the Ugandan government presented the situation concerning crimes against humanity to the ICC. Due to the referral, the

ICC Prosecutor to opened investigations into alleged crimes including sexual slavery, enslavement, murder, the forced recruitment of child soldiers committed in northern Uganda. With Uganda's self-referral, this illustrates the principle of complementarity under the Rome Statute of the ICC where states independently invite the Court to intervene especially when domestic institutions are unable or unwilling to prosecute complex global crimes (Schabas, 2017).

Dominic Ongwen a former commander of the Lord's Resistance Army was one of the most prominent individuals prosecuted under the Court. According to ICC reports, in 2021, Ongwen was convicted on multiple counts of war crimes and crimes against humanity which included conscription of child soldiers, sexual slavery, murder and forced marriage. The ICC judgment was significant because it demonstrated the Court's capability to prosecute complicated crimes that involved GBV and rigorous abuse of civilians. The ICC furthermore ordered reparations amounting to roughly Euros52 million to be administered through the Victim's Trust Fund making a landmark in victim-centered justice within international criminal law (ICL) (ICC, 2011).

Despite the fact that Ongwen was convicted, the continued freedom of the leader of the Lord's Resistance Army (LRA) Joseph Kony reveals the limitations of the ICC's enforcement mechanisms. Kony has evaded capture for many years although his arrest warrants were issued as early as 2005, This situation illustrates a central structural weakness of the ICC because it depends on state cooperation to execute arrest warrants because it lacks an independent enforcement mechanism. Bosco argues that this dependence significantly limits the ICC's effectiveness in prosecuting because states lack the capacity or political will to detain suspects (Bosco, 2014).

In addition, Clark argues that the Uganda case study highlights complex debates regarding international criminal justice. Scholars argue that ICC involvement contributed to reinforced international norms against impunity and delegitimizing rebel violence. Other scholars assert that the prosecutions complicated peace negotiations between the Ugandan government and the LRA during the attempts to end the conflict. These debates highlight the complex relationship between justice and peace within international criminal law (JN. Clark, 2011).

The ICC began outreach work in the DRC and Uganda in 2004, extending this to the CAR and Darfur in 2007

4.1.2 Democratic Republic of the Congo

The case study in the DRC represents a fundamental case for assessing the effectiveness of the ICC. Following years of armed conflict in eastern Congo, the Congolese government referred the situation to the ICC in 2004 and the Court has overlapped with three major peace processes in which the Amnesty peace negotiations featured. In 2005 and 2006, a series of informal peace negotiations with rebel groups were mediated by the President of the Congolese TRC, Rev. Jean-Luc Kuye. Goma talks which were held in 2008 were basically with the CNDP rebel group and the Kampala talks in 2013 which primarily focused on the M23 rebellion. These ICC overlapping peace talks prompted investigations into widespread atrocities committed by militia groups operating in the region. On August 22, 2006, during the Goma talks, the ICC sealed an arrest warrant for Ntaganda and it was unsealed soon after the Goma talks on April 28, 2008. (P, Clark 2020).

Thomas Lubanga, the leader of the Union of Congolese Patriots is one of the earliest and most prominent cases. During the Ituri conflict, Lubanga was accused of recruiting and using children under the age of 15 years as soldiers. Lubanga was found guilty by the ICC on 10th July 2012 and sentenced to 14 years of imprisonment for war crimes making it the first conviction in the Court's history earlier in March 2012. The case established significant legal precedent concerning the prohibition of child soldier recruitment under International Humanitarian Law (IHL) (Cassese, 2008; Micheal, E. K, 2013).

The ICC demonstrated its ability to hold perpetrators accountable and prosecute serious violations of international law for crimes that national courts had failed to address with Lubanga's judgment. Regarding the protection of children in armed conflict, the ICC also reinforced international norms. Collective programs funded by the Trust Fund for Victims were implemented by the Court and ordered reparations for victims, which were implemented through collective programs funded by the Trust Fund for Victims. Such reparations included community reconstruction programs, psychological rehabilitation and educational support designed to assist affected populations (Micheal, E. K, 2013).

According to Mamdani, despite all these achievements, the Lubanga case also revealed a number of challenges facing the ICC. Scholars argue that these charges were narrowly reflected upon in depth but rather focused on child soldier recruitment and left out grave atrocities committed during the conflict. Other scholars assert that this limited scope resulted from the ICC limitations in collecting reliable evidence and securing witness testimony in conflict zones. As a consequence, the case illustrated the practical challenges of prosecuting complicated crimes against humanity in unstable environments (Mamdani, 2009).

To sum it up, the DRC cases illustrate both the successes and constraints of the ICC. With the conviction, the ICC's historic achievement was represented but its limitation with the case also exposed procedural and evidentiary weaknesses that affect the prosecution of complex atrocities.

4.1.3 Kenya Post-Election Violence

The disputed presidential election that occurred between 2007 and 2008 led to a situation in Kenya that was characterized by violence. Therefore, the 2007–2008 Kenyan post-election violence crisis resulted in the deaths of more than 1,000 people and the displacement of over 700,000 people. Due to the fact that many had died, a common statement was issued in Hague on 3rd July 2009 by Kenya's government delegation led by Justice Minister Kilonzo and the Prosecutor. The statement particularly wanted those responsible for the previous post election violence to be held responsible for their action in order to deter future violence. Therefore, Kenyan authorities decided to refer the situation to the ICC because the national efforts were weak. And the ICC opened investigations in 2010 against the allegations of crimes against humanity after Kenya failed to establish a domestic tribunal to prosecute those responsible. (ICC, 2009). Basically, the international jurisdiction of the ICC applies to Kenya under the complementarity principle and according to the principle, the Court intervenes only if there are no national proceedings or they have failed.

The ICC brought charges against several senior political leaders, including presidential candidate Uhuru Kenyatta and his running mate William Ruto. The prosecution alleged that these 2 political leaders were involved in orchestrating attacks against civilian populations and pre-planning organized ethnic networks. These 2 cases were particularly relevant because they

represented the ICC's attempt to prosecute presidential leaders from a functioning democratic state.

Despite all the attempts, both cases ultimately collapsed before reaching the final judgment. The prosecution cited extensive witness interference, intimidation, and lack of cooperation from the Kenyan government as major obstacles to securing reliable evidence. The post-election period was not clear enough and the alleged crimes against humanity of whether they were committed as a well-organized policy attack on civilians as stipulated in the Rome Statute. In addition, the witnesses reportedly renounced their statements or even withdrew from proceedings and this severely undermined the prosecution's case. In 2014, the case against Kenyatta was withdrawn and in 2016 the case against Ruto was terminated due to insufficient evidence. (Gabriel, L. 2013; Misa, Z. R. 2013).

The situation in Kenya showcases the deep or far-reaching political constraints that the ICC faces. The cooperation from the national authorities is the primary support that the ICC depends on. However, when these governments resist investigations, the target influential political figures cannot be prosecuted. The collapse of the Kenyan cases therefore highlights the limits of international criminal justice when domestic national interests stand against international global responsibilities.

4.1.4 Sudan (Darfur Situation)

The ICC has handled the situation in Sudan and this has represented one of the most controversial and politically important cases in Africa. Investigations in Sudan were initiated for 20 months following allegations of widespread atrocities committed during the conflict in the Darfur region since 1 July 2002. In March 2005, the United Nations Security Council referred the Darfur situation to the ICC; marking the first time the Council used its authority to trigger an ICC investigation.

Three arrest warrants and one summons to appear have been issued against Ahmad Harun and Ali Muhammad Ali Abd-Al-Rahman (also known as Ali Kushayb), Omar Al Bashir, and Bahar Idriss Abu Garda. ON 27 February 2007, the pre-trial chamber I issued warrants of arrest against them all and these warrants were made public on 2 May 2007. All three arrest warrants are outstanding and on 18 May 2009, Mr. Abu Garda voluntarily appeared before the Court pursuant

to a summons and his initial appearance. After Garda's initial appearance, he was allowed to leave the Netherlands and the confirmation of charges hearing was set for 19 October 2009.

The crimes against Bashir were allegedly committed in a disguise of a protracted armed conflict and not an international character and this existed in Darfur from the period of March 2003- 14 July 2008. This happened between the Government of Sudan and other several organized groups particularly the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). The ICC initially issued arrest warrants against several individuals, including the Sudan's former president, Omar al-Bashir. Bashir was charged with crimes including war crimes, genocide and crimes against humanity. The indictment was historically relevant because it represented the first time the ICC issued an arrest warrant against a sitting president.

Despite this milestone decision, the then president Bashir stayed in power for several years and continued to travel internationally without arrest. However, several states that were parties to the Rome Statute failed to arrest and detain him during his official visits, acknowledging diplomatic and political considerations. This situation in Sudan exposed grave limitations in the ICC capacity in enforcement and raised queries about the willingness of states to prioritize international global justice over political national interests (Schabas, 2017).

Therefore, the situation in Darfur illustrates the structural constraints facing the ICC when prosecuting powerful political leaders such as Bashir. Despite the fact that the Court possesses all legal authority to issue arrest warrants, it primarily relies on state cooperation for their execution. The international Criminal Law struggles to achieve its mandated objectives of deterrence and accountability without the consistent enforcement by the ICC member states (UICC. Sudan, 2007).

4.1.5 Central African Republic

During the 2002-2003 conflict following an attempted coup against President Ange-Félix Patassé, there were widespread atrocities that followed in CAR and the situation was referred to the ICC in 2004. Because the CAR's domestic legal system lacked the capacity to prosecute those responsible for serious crimes such as rape, pillage and murder, the government requested the Court to investigate the situation under the framework of the Rome Statute of the ICC (Schabas, 2017).

In December, this situation in CAR was referred to the ICC and in May 2007, the OTP opened its investigation. On 10 June 2008, one arrest warrant was issued against Jean- Pierre Bemba for crimes committed in 2002- 2003. The confirmation of charges hearing was held on 12-15 January 2009. The Pre- Trial Chamber II partially confirmed the charges on 15th June and on 22 June the Prosecutor applied for leave to appeal the Chamber's decision to decline to confirm certain charges on 22 June. Since the end of 2005, the Office continues to monitor allegations of crimes committed.

This is one of the most relevant cases arising from this situation involved Jean-Pierre Bemba, whose militia forces were accused of committing crimes against humanity while supporting the CAR government. Based on the doctrine of command responsibility, Bemba was initially convicted by the ICC in 2016 though the Appeals Chamber overturned the conviction due to insufficient evidence in 2018 and that he failed to adequately punish or even prevent the crimes committed by his troops (Bosco, 2014; Schabas, 2017).

In addition, Jean-Pierre Bemba the former vice president of the DRC, is currently on trial at the ICC for the alleged international crimes committed in the Central African Republic. He has remained in the ICC custody since his arrest on 10 June 2008. He considered running for presidency in the DRC's 2011 elections during his detention, but later dropped this plan.

In summary, the situation in the CAR illustrates both the achievements and challenges of the ICC in addressing war crimes and crimes against humanity. While the ICC showed its capacity to prosecute senior leaders and promote accountability, the eventual acquittal of Bemba portrayed the procedural and evidentiary constraints involved in international criminal prosecutions (Clark, 2011; Sikkink, 2011).

4.2 Qualitative Thematic Analysis

With the comparative analysis, the selected cases reveal several recurring themes regarding the assessment of the ICC in Africa. Basically, these themes emerged through judicial decisions, doctrinal analysis of legal documents and scholarly interpretations.

State cooperation is one of the most significant themes of state cooperation in examining the success of ICC prosecutions. The ICC depends on national governments and lacks its own police

force to facilitate investigations arrest suspects and provide evidence. Cases such as DRC, CAR and Uganda portray that when governments cooperate with the international Court, prosecutions are more probable to progress successfully. Alternatively, situations such as Kenya and Sudan reveal how political resistance can constrain investigations and limit judicial outcomes (Mark K, 2018).

Another important theme concerns political constraints that affect the functioning of international criminal justice. The ICC operates within a global legal environment where state sovereignty remains the primary dominant principle. Governments may resist global prosecutions that target influential leaders and threaten domestic political stability. These political dynamics can weaken the ICC's ability to secure arrests and enforce its decisions, thereby constraining its overall effectiveness and success. Scholars argue that the ICC is often limited by geopolitical realities, especially when powerful states refuse to collaborate with enforcement mechanisms (J G.S 2003 & Posner, 2005).

Selective justice is a third theme emerging from the analysis related to the ongoing. The ICC disproportionately focuses on African cases with the critical arguments creating perceptions that the Court unfairly targets the African continent. Despite all the contradicting arguments, the empirical evidence illustrate that several African situations were voluntarily referred to the ICC by African governments themselves. The DRC, CAR and all the other states requested for the ICC's investigations, evidently showing that African states have actively participated in the Court's legal framework processes (Mark K, 2018).

The Diffusion of the international norms is the final theme which concerns regarding accountability for mass atrocities such as crimes against humanity, genocide and war crimes. The International Court has relevantly contributed to the global promotion of legal standards that condemn war crimes, genocide and crimes against humanity. Through its legal interpretations and judgments, the Court has reinforced the principle that all individuals be it the heads of states, can be held responsible and accountable for international crimes. Scholars describe the "justice cascade," phenomenon where international norms gradually influence domestic legal systems and strengthen global commitments to human rights protection and global responsible (Sikkink, 2011).

4.3 Findings of the Study

The chapter's analysis conducted reveals several significant findings regarding the assessment of the ICC in prosecuting crimes in Africa.

Firstly, the International Court has achieved significant legal precedents through milestone convictions such as those of Dominic Ongwen and Thomas Lubanga. These cases particularly demonstrate that international Court tribunals can indeed successfully prosecute all individuals responsible for grave crimes against humanity of the international law.

Secondly, the ICC's effectiveness remains limited by dependence on state cooperation and enforcement capacity. The Court's inability to arrest suspects such as Omar al-Bashir and Joseph Kony illustrates the structural challenges facing the ICC.

Thirdly, the International Court has introduced very important innovations in victim participation and reparations. The establishment of the Trust Fund for Victims and their involvement in judicial proceedings represent major significant developments in international legal practice.

Finally, political pressures and geopolitical dynamics continue to influence the outcomes of ICC prosecutions. These factors contribute to uneven enforcement and reinforce debates about the legitimacy and impartiality of international criminal justice institutions.

4.4 Quantitative Analysis

The quantitative findings that are derived from documentary analysis of selected African situations before the ICC. Data were collected through structured coding of ICC judgments, case law, and official institutional reports. This analysis also applies descriptive statistics to key indicators including arrest execution, trial outcomes, trial duration, victim participation, and reparations. Using denominator (N), each variable is analyzed independently consistent with the mixed-method research and the principles of documentary coding (Creswell & Creswell, 2007; Bryman, 2016).

4.4.1 Arrest Warrant Execution (N = 6 key African suspects coded)

Status	Frequency	Percentage (%)
Arrested / surrendered	4	66.7%
Not executed (at large)	2	33.3%
Total	6	100%

The findings above indicate that most selected ICC suspects in African situations surrendered or were arrested including Thomas Lubanga, Germain Katanga, Bosco Ntaganda, and Dominic Ongwen. However, high-profile fugitives such as Joseph Kony and Omar al-Bashir remain at large, demonstrating that enforcement depends heavily on state cooperation since the ICC has no independent arrest mechanism.

(Bosco, 2014; Schabas, 2017; ICC, 2024)

4.4.2 Case Outcomes (N = 6 completed ICC African trials)

Outcome	Frequency	Percentage (%)
Convicted	4	66.7%
Acquitted	2	33.3%
Total	6	100%

Interpretation (4.2)

Among completed African ICC trials, two resulted in acquittals (Bemba on appeal and Gbagbo) and four resulted in convictions (Lubanga, Katanga, Ntaganda, Ongwen). This reflects the strict procedural safeguards of international criminal law and demonstrates that conviction is achieved only when evidentiary standards are fully met, reflecting the strict procedural safeguards of international criminal law.

(ICC, 2024; Jo & Simmons, 2016)

4.4.3 Trial Duration (N = 4 conviction cases)

Duration	Frequency	Percentage (%)
5 years	2	50%
4 years	1	25%
3 years	1	25%
Total	4	100%

The longest trials lasted up to 5 years due to witness protection, legal complexity and extensive evidence collection and the average duration of ICC trials in African conviction cases is approximately 4.25 years inherent in war crimes prosecutions and crimes against humanity.

(Bosco, 2014; Schabas, 2017)

4.4.4 Victim Participation (N = 4 ICC conviction cases)

Level	Frequency	Percentage (%)
Very High (>3000)	1	25%
High (1001–3000)	1	25%
Medium (201–1000)	1	25%
Low ($\leq$ 200 victims)	1	25%
Total	4	100%

Victim participation shows an advancing increase across ICC cases. Earlier on, there was fewer victim participation but later cases such as the Ongwen case which involved over 4,000 victims. This signifies the improved ICC outreach and strengthening of victim participation mechanisms under the Rome Statute system.

(International Criminal Court, 2024; Trust Fund for Victims, 2023)

4.4.5 Reparations Orders (N = 4 ICC cases with reparations)

Category	Frequency	Percentage (%)
High (>10 million USD)	1	25%
Medium (2–10 million USD)	2	50%
Low (<2 million USD equivalent)	1	25%
Total	4	100%

Reparations are awarded based on magnitude of the harm and the number of victims affected. The International Court has issued significant reparations in cases such as Ongwen, Katanga, Lubanga, Al-Mahdi, and Ntaganda, which are implemented through the Victim’s Trust Fund. These reparation’s main purpose is to provide collective and individual assistance to victims and to also restore dignity and provide collective and individual assistance to victims.

(ICC, 2024; Trust Fund for Victims, 2023)

In **Conclusion**, the quantitative analysis illustrates that the ICC has achieved partial success in prosecuting international crimes in Africa. However, prolonged trials, political resistance and enforcement gaps continue to limit full effectiveness of the Court. The findings confirm that International Court performance is shaped by both external political environment and institutional capacity.

4.5 Qualitative Data Analysis

4.5.1 Political Cooperation and Enforcement

Qualitative analysis illustrates that the persistency non-cooperation by states continues to constrain the effectiveness of the ICC enforcement warrants. Al-Bashir and Joseph Kony, for example still remain at large despite the arrest warrants issued against them which reflects the ongoing lack of enforcement capacity and political protection. Evidently, the refusal of Sudan to surrender former President Omar al-Bashir while he traveled internationally highlights the constraints of the ICC's juridical mandate lacking full cooperation. (Akanke, 2010; Basco, 2014)

4.5.2 Trial Complexity and Duration

Dominic Ongwen case trial began in December 2016 and concluded recently with a judgment in February 2021 and it involved complex evidence, extensive hearings and multiple witnesses to collect evidence related to numerous counts. Another complexity according to professor Carsten Stahn is the high number of decisions and filings in the Court's proceedings. A case in point is the Lubanga case that gave rise to 275 written decisions and orders and more than 3090 filings despite the fact that it was comparatively limited in terms of charges. Therefore, these lengthy durations are representations of the strictness vital in the ICC and speak to both the diligence and prolonged process of ICC proceedings and protocol. (Clark, 2018, ICC, 2015).

4.5.3 Normative Legitimacy and Victim Inclusion

According to Professor Christoph Safferling's ICC procedure during one of his press conferences at the Oxford University in 2012, he argued that the International Criminal Court has increasingly implemented victim participation and reparation structures which is evident in the thousands and thousands of victims engaged in cases like Ruto and Bemba and Ruto. Victim inclusion and participation is both a normative advance and a procedural mandate reflecting larger international norms about restorative participation and justice even when conclusive impacts are limited. (Sujith X, 2012).

4.5.4 Selectivity and Perceptions of Bias

Many African and academics institutions have debated whether the International Criminal Court's focus on Africa illustrates selectivity or inconsistent justice. Critics argue that political dynamics, such as regional politics and security council referrals impact the progress and selection of cases, intensifying the perceptions of imbalance in the ICC criminal justice application. The International Criminal Court's decade-long fight with the AU over the unequal number of charges leveled against Africans has constrained its authority and reputation with African states. This has led the African Union to call for a regional withdrawal of African nations from the international court and to also argue for the establishment of its own regional court to handle both regional and international matters. (Bosco, 2014; Christa G.K, 2020).

4.6 Chapter summary and conclusion

The quantitative data highlights that the ICC has indeed made measurable progress in delivering convictions and engaging victims, it has also struggled with effective enforcement and arrest execution especially against high-profile criminals. Additionally, the qualitative data illuminates the institutional and political constraints that shape these impacts. Cooperatively, this demonstrates that the Court's effectiveness is not ascertained by the statutory power alone but rather normative evolution, resource constraints and political cooperation are indeed fundamental determinants.

In conclusion, the combination of experimental findings and theoretical approaches illustrates that the effectiveness of the International Court is not solely determined by its legal mandate but is shaped by multifaceted issues such as evolving international norms, interaction of political realities and institutional capacity. While the ICC has made significant contributions to international justice, its constraints reveal the need for sustained commitment from the international community, stronger cooperation, institutional reforms. (Schabas, 2017; Bosco, 2014; Clark, 2018).

CHAPTER FIVE

DISCUSSION, SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter examines the results illustrated in Chapter Four in relation to the study objectives and the research gaps identified in the literature review. The analysis evaluates the assessment of the ICC in prosecuting crimes against humanity in Africa through both qualitative and quantitative data. The chapter further provides the summary of the study, drawing conclusions based on theoretical and empirical findings and also presents recommendations targeted at strengthening the effectiveness of ICC justice mechanisms (Creswell & Creswell, 2018; Bryman, 2016).

5.2 Discussion of Findings

5.2.1 Addressing the Debate on International Criminal Court's Selectiveness in Africa

One of the findings in this study tackles the concerns of the ongoing debate about whether the ICC unjustly targets African states. Previous literature has primarily focused on legal and political debates surrounding the jurisdiction and legitimacy of the ICC (Bosco, 2014; Schabas, 2017). However, empirical evaluation of this issue has remained limited.

The findings of this study illustrate that although the majority of International Criminal Court investigations have happened in Africa, a number of these situations were voluntarily referred to the ICC by African governments themselves. Examples include referrals from the DRC, CAR and Uganda. All these transfers indicate that African states have directly engaged in the International Criminal Court system rather than being particularly targeted by independent actors.

Concurrently, the study also illustrates that political mechanisms relevantly influence the understanding and perception of selective justice. Cases such as those involving Uhuru Kenyatta and William Ruto in Kenya illustrate how witness interference and domestic political resistance reinforce perceptions and weaken prosecutions of bias (Clarke, 2009; Nouwen & Werner, 2011).

Hence, the findings propose that the issue of selectivity is more complicated than regional targeting and it is influenced by geopolitical dynamics, political cooperation and jurisdictional referrals.

5.2.2 Empirical Assessment of ICC Effectiveness

The quantitative findings of this study contribute and provide statistical evidence on ICC performance in selected African cases. While other suspects remain as fugitives, the results indicate that approximately two-thirds of suspects investigated in this study surrendered to the court or were arrested. High-profile suspects like Joseph Kony and Omar al-Bashir remain at large (fugitives) and this illustrates the limitations of the International Criminal Court enforcement mechanisms (Schabas, 2017).

The study also investigated that most completed trials ended in convictions, with landmark cases involving Dominic Ongwen and Thomas Lubanga. These convictions prove that the International Criminal Court is capable of enforcing the law against individuals responsible for serious international such as crimes against humanity, war crimes and genocide crimes particularly when adequate evidence and cooperation are available (Clark, 2018).

5.2.3 Reparative Justice and Victim Participation

Furthermore, the study reveals that the International Criminal Court has made relevant progress in reparative justice and promoting victim-centered justice through participation. Cases including the Ongwen trial involved thousands of victims benefiting from reparations programs administered through the Trust Fund for Victims and participating in the judicial.

These advancements reflect the broader normative evolution of the ICC justice systems, where all victims play an active role in the legal proceedings. Such mechanisms strengthen the legitimacy of the ICC and contribute to the global expansion of the accountability norms (Safferling, 2012; Sikkink, 2011).

5.3 Summary of the Study

The objective of this study was to particularly assess the effectiveness of the ICC in prosecuting crimes against humanity in Africa. The study combined both qualitative case study analysis with

quantitative indicators derived from ICC case records. By using a mixed-method research design, the study combined qualitative case study analysis with quantitative indicators derived from ICC case records.

The analysis exposed that the ICC has achieved relevant legal progress through the establishment of victim participation mechanisms and milestone convictions. Despite the facts above, the ICC continues to face structural challenges which are related to political cooperation, perceptions of selective justice and enforcement capacity.

5.4 Conclusions

The findings of this study lead to several significant conclusions. The ICC has played a very relevant role in strengthening global legal norms against impunity and promoting accountability for serious international crimes. This is evident in milestone convictions such as those of Dominic Ongwen and Thomas Lubanga, which strengthened the principle that even senior individuals can be held responsible for their crimes. These developments illustrate the ICC contribution to the evolution of the International Laws (Schabas, 2017; Sikkink, 2011).

Secondly, the effectiveness of the ICC has remained constrained by its dependence on state cooperation for enforcement meaning that the Court cannot operate independently. The ICC faces difficulties in arresting high-profile suspects such as Omar al-Bashir and Joseph Kony particularly without consistent support from member states. This structural constrain reflects the absence of an independent Implementation system, which weakens the ICC institutional capacity in politically sensitive circumstances (Bosco, 2014; Jo & Simmons, 2016).

Thirdly, political dynamics have furthermore continued to influence the implementation of international laws, particularly when prosecutions involve powerful political stakeholders. Issues such as geopolitical interests, non-cooperation and diplomatic protection often obstruct judicial processes. These facts reveal that the International Court operates within a politically limited environment rather than a completely legal framework (Goldsmith & Posner, 2005; Clark, 2018).

Finally, the International Criminal Court has significantly contributed to the development of victim-centered justice mechanisms, such as victim participation and reparations. Affected communities have received collective and individual support aimed at rebuilding livelihoods

through the Trust Fund for Victims. This approach illustrates a shift toward restorative justice within the Court and strengthening the legitimacy of the ICC (Safferling, 2012; ICC, 2024).

5.5 Recommendations

There is need to strengthen state cooperation and commitment to execute arrest warrants issued by the ICC. Member states should incorporate binding domestic legislation by strengthening their commitment to executing arrest warrants issued by the International Criminal Court. This would minimize reliance on political cooperation and enhance enforcement efficiency in ICC. African Union as a major regional organization should also strengthen cooperation structures to support all ICC operations.

The global community should foster stronger enforcement frameworks through collaborations with international policing institutions such as regional security bodies and Interpol. This would help to address the Court's constrain of lacking its own compliance enforcement arm. A highly coordinated global legal execution strategy would indeed improve the arrest and transfer of suspects to International Criminal Court.

Need for the International Criminal Court to expand its protection programs particularly to the witnesses in order to reduce intimidation and ensure the honesty and sincerity of testimonies throughout the trials. With Kenya as a case study, witness interference has been identified as a major factor in the collapse of cases. Enhancing protection measures would improve conviction outcomes and strengthen the reliability of evidence.

Continuous strengthening the Court's reparations programs and victim participation is to be fostered in order to enhance the legitimacy of the ICC. Advanced victim engagement fosters the fact that justice is restorative in nature and not solely punitive. The ICC should expand outreach and support mechanisms that can further align the Court with global human rights principles.

The ICC should strengthen its engagement with regional organizations such as the AU in order to encourage and foster the Court's interconnectedness with the African states. This can be achieved through fostering cooperation and dialogue and this can help reduce on the tensions between the ICC and the AU, especially the tensions over the accusations and arrest of active presidents in power which have constrained the ICC's political support. Therefore, there is need

to encourage and foster joint frameworks for accountability and justice which would help in aligning AU's mandate and goals with the ICC objectives thus improve on the coordination and partnership from African states.

The ICC should advocate for more predictable and increased funding from all member states to ensure that there is efficient use of existing resources. Due to the fact that the ICC is constrained by limited financial resources, the Court's ability to maintain field operations and conduct thorough investigations is always weak. The ICC should Diversify its funding partnerships by collaborating with organizations like the IBA which can offer financial and technical support. Therefore, adequate funding is critical for the Court's operational maintenance, credibility and effectiveness.

5.6 Final Thoughts

The ICC has greatly made significant achievements to the global justice by fostering and promoting accountability for crimes against humanity in Africa and therefore strengthening international norms against impunity. Through case studies in countries like CAR, DRC, Uganda, Kenya and Sudan, the international court has helped implement the principle that even powerful individuals like the heads of states can be held lawfully responsible for heinous crimes against humanity.

However, despite the ICC effectiveness, the court still remains limited in practice. The International Criminal Court has continued to face constraints like political resistance, lengthy trials, difficulties in evidence collection and weak state cooperation in executing arrest warrants. These limitations have greatly affected case progression and thus many suspects remain at large.

To sum it up, the International Criminal Court's contribution in Africa is moderate in description because it is strong in promoting justice deals and shaping legal norms, but it is also weaker in enforcing and delivering practical prosecution impacts. The ICC future assessment depends on better engagement with regional actors like the AU, improved enforcement mechanisms and stronger international cooperation, improved enforcement mechanisms.

REFERENCES

- Robert O. Keohane and Joseph S. Nye, power and interdependence (2nd edn), Glenview, IL: Scott, Foresman and co, 1989
- Alexandra Huneeus, International Criminal Law By Other Means: The QuasiCriminal Jurisdiction of the Human Rights Courts, 107 AM. J. INT'L L. 1, 2 (2013).
- Joseph Nye, Jr., "International Conflicts After the Cold War," in Managing Conflict in the Post-Cold War World: The Role of Intervention. Report of the Aspen Institute Conference, August 2-6, 1995, (Aspen, Colorado: Aspen Institute, 1996) pp. 63-76.
- Steve Charnovitz, Two Centuries of Participation: NGOs and International Governance, 18 MICH. J. INT'L L. 183 (1997).
- Russell, G., Hans J. Morgenthau and the Ethics of American Statecraft (Baton Rouge, LA and London: Louisiana State University Press, 1990)
- Ali, N. (2019). Through a Glass Darkly: The ICC, the UNSC and the Quest for Justice in International Law. International Criminal Law Review, 19(4), 669–697.
<https://doi.org/10.1163/15718123-01904006>
- JACK L. GOLDSMITH & ERIC A. POSNER, THE LIMITS OF INTERNATIONAL LAW (2005)
- Kathryn Sikkink, 'Response', Journal of Human Rights 11, no. 2 (2012)
- Dowds, E. (2020). Feminist Engagement with International Criminal Law: Norm Transfer, Complementarity, Rape and Consen
- Dapo Akande, Is the rift between Africa and the ICC deepening?
- An African expert study on the AU concerns about article 16 of the Rome Statute of the ICC
- Memon, M. A., Thurasamy, R., Cheah, J. H., Ting, H., Chuah, F., & Cham, T. H. (2023)
- J.N. Clark, 'The ICC, Uganda and the LRA: Re-Framing the Debate

J, N. Clark peace, justice and the International Criminal Court (2011)

Clark, P. (2021). The International Criminal Court's Impact on Peacebuilding in Africa. In: McNamee, T., Muyangwa, M. (eds) The State of Peacebuilding in Africa. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-46636-7_14

Margaret M. Deguzman, "Is the ICC targeting African inappropriately? A moral, legal and sociological assessment,"

Contemporary Issues Facing the International Criminal Court, ed. Richard H. Steinberg (Boston: Brill Nijhoff, 2016), 333

Schabas, supra note 12, 474-475; K. J. Heller, 'Mistake of Legal Element, the Common Law, and Article 32 of the Rome Statute: A Critical Analysis', 6 Journal of International

Criminal Justice (2008) 3, 419, 435-436. 83 Prosecutor v. Lubanga, Decision on the Confirmation of Charges, supra note 16, 122,

para. 359. 84 A. Cassese et al., Cassese's International Criminal Law, 3rd ed. (2013), 53-54.

Assenga, G., Mbezi, P., & Emmanuel, G. (2026). Evaluating State Cooperation Obligations Under the Rome Statute: A Case Study of Kenya's 2007/2008 Post-Election Violence. East African Journal of Law and Ethics, 9(1), 394-405. <https://doi.org/10.37284/eajle.9.1.4743>

Understanding the International Criminal Court, 2007 <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/B3A6C818-35DB-4E43-B250-1A9EE849F37F/280973/UICCSudanEngLR3.pdf>

<https://www.icc-cpi.int/sites/default/files/CaseInformationSheets/BembaEng.pdf>

De Vos, C. M. (2016, March 16). A catalyst for justice? The International Criminal Court in Uganda, Kenya, and the Democratic Republic of Congo.

https://www.wayamo.com/wp-content/uploads/2018/05/ICC-Africa-Paper_May-2018-1.pdf

BUILDING BRIDGES AND REACHING COMPROMISE: CONSTRUCTIVE ENGAGEMENT IN THE AFRICA-ICC RELATIONSHIP

Ersten, M. (2016). Justice in Conflict: The Effects of the ICC's Interventions.

<https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf>

Xavier, Sujith. "Theorizing International Criminal Procedure Review Essay: Christoph Safferling's

International Criminal Procedure." *The Transnational Human Rights Review* 2. (2015) : 134-152. DOI: <https://doi.org/10.60082/2563-4631.1016>

Christa-Gaye Kerr, Sovereign Immunity, the AU, and the ICC: Legitimacy Undermined, 41 *Mich. J. Int'l L.* 195 (2020).

Bosco, D. (2014). *Rough Justice: The International Criminal Court in a World of Power Politics*. Oxford University Press.