The Role of Criminal Accountability for Peace-building
in West Africa – The Case of the ICC

1. Introduction

To many, the prosecution of perpetrators of past human rights abuses lies at the heart of any peace process. Others emphasize that criminal justice ignores the realities of power distributions and politics on the ground and can be, in fact, detrimental to bringing conflict to an end. Over the past decade, discussions on criminal accountability through national and transnational accountability mechanisms have played an increasingly important role in ending conflicts. One of the most prominent, yet widely debated criminal justice organs is represented by the International Criminal Court (ICC) in The Hague. The ICC which understands itself as an “independent, permanent court that tries persons accused of the most serious crimes of international concern”, is an institution that pledges to respect the “highest standards of fairness and due process” (ICC, 2014). A decade after the Rome Statute entered into force, the ICC is faced with some key developments concerning its international recognition as an independent arbitration institution. The ICC’s alleged over-involvement with the African continent and its respective reluctance to engage with perpetrators of mass crimes from other regions has raised a debate concerning the court’s actual independence and fairness. The critique that has been raised by many African leaders, gained wider prominence in relation to the Kenya situation involving President Uhuru Kenyatta and Vice President William Ruto recent initiative to lobby among other African leaders to quit the Rome Statute. A total of 34 African countries have so far signed the Rome Statute, including almost all West African states.

The following paper discusses the role of criminal accountability in the context of peace processes in West Africa. While providing some general insights into the role of criminal justice for peace building, this paper focuses primarily on the role of the ICC and its contribution to ending conflicts. Following the introduction, the first part of this paper deals with the ICC in the context of peace-building initiatives and questions whether there is a direct link between criminal accountability in post-conflict environments and peace-building. This part also presents a short overview of the ICC’s function and conceptualizes some of the more general tensions that arise from the peace versus criminal accountability nexus. The second part of the paper focuses more specifically on the West African context. It starts out by
presenting an overview of recent criminal accountability initiatives in West Africa while paying special attention to the ICC’s potential role as a successful peace bringing organ and conflict mediator. Finally, this paper presents some evidence from inside the ‘field’ by introducing two West African case studies, Guinea and Côte d’Ivoire. In both cases the ICC has taken an interest in holding perpetrators accountable for alleged mass crimes that were committed during the countries’ recent conflicts. Drawing on the evidence presented before, the paper concludes on a critical note by asking to what extent the debate about the ICC’s emphasis on African cases undermines its legitimacy as a justice bringing organ that renders the court’s ability to deliver peace to the West African region as ineffective and possibly detrimental to other peace and reconciliation efforts.

2. The ICC and peace processes

2.1. Criminal accountability during peace processes

There exist numerous tensions regarding the best tactical, strategic, and political means of securing peace after conflicts. One of these tensions is reflected in the debate on the role of criminal accountability for peace-building. More specifically, the impact that the prosecution of perpetrators of past human rights abuses has on building peace continues to be debated among experts and scholars. One reason as to why there is a persistent tension between peace and criminal accountability is reflected in the peace versus justice debate. Although it seems that peace and justice should go hand-in-hand, many scholars who discuss the relationship between peace and justice have pointed to past experiences underlining that there are different kinds of justice systems and that justice in the eyes of some is not necessarily equal to justice in the eyes of others. As pointed out by Laura Davis, the state of the debate on the peace versus justice reflects mainly a concern of the time and type of (judicial) intervention rather that questioning the concept of justice as such. Therefore, rather than questioning the necessity of justice for peace-building, there is a debate on the functions and purposes of justice within the peace-building process, which is inherently intertwined with the question of the legitimacy of the justice creating initiative.

Concerns of criminal accountability are of particular interests to peace-building processes as they often come into action during or right after the conflict has come to an end. Criminal accountability measures can be taken on the local, national and international level.
depending on their scope and executing branch. Different levels of justice may reflect different dimensions of atrocities. Within the context of the paper, the focus lies primarily on international justice even though it should be underlined that no level of justice can be seen as isolated from another. Concerns of criminal accountability in a peace-building context often face particular challenges as they take place while conflicts are not yet fully resolved and robust peace processes are not yet in place (Grono, 2006). Peace and justice initiatives can therefore clash as long as policy goals have not yet been fully elaborated and the peace-building strategy is still under construction. As has been pointed out by Chandra Lekha Sriram, it is well understood by now that the choice is never merely peace or justice. Rather, “what may be and often is agreed in peace processes […] are a range of measures, including, and between, the two extremes on the continuum of widespread prosecution to blanket amnesty” (Sriram, 2007, p.4). Overall, a ‘holistic’ peace process is likely to contain elements of accountability along with other incentives to parties to actually implement any peace agreement. Therefore, criminal accountability has a certain function within the peace-building process and its purpose varies according to the circumstances. In the eyes of former UN Secretary General Kofi Annan justice and peace do not contradict each other but rather promote and sustain one another. Thus, the question “can never be whether to pursue justice and accountability, but rather when and how” (Annan, 2004).

The justice versus peace debate is also linked to the role that amnesty may play during the peace-building process. In most conflicts, some degree of amnesty is prevalent as rarely all perpetrators of criminal action are prosecuted and elements of amnesty are often integrated in peace treaties. According to evidence presented by Snyder and Vinjamuri (2003), amnesty can have a beneficial function for peace processes as it helps engender stability whereas prosecutions after civil wars risk renewed violence and a backlash into conflict. Nevertheless, the failure to take action against perpetrators of human rights abuses violates international obligations and reinforces a sense of impunity that undermines the rule of law. As a consequence, the confidence into state institutions may be diminished and individuals may feel exempted from restraints. David Backer (2009) realized a longitudinal study in which he showed that amnesty not necessarily privileges society’s preferences over victims’ concerns. According to Backer, the interests of the society for which conflict termination presumably takes precedence possibly diverge from those of the victims for whom the question of justice is more crucial. However, according to his study, this seems not always to be the case. As his analysis shows, these standard assumptions are inaccurate and the majorities of victims
approve of amnesty (Backer, 2009). Nevertheless, there are nuances as to how victims perceive amnesty with respect to their own situation and over time. In fact, the level of support for amnesty declines over time indicating that the long-term stability of a country is threatened if past atrocities remain unaddressed. Hence, although there is a tradeoff between short-term stability and justice, in the long-term concerns of criminal accountability have to be addressed in order to root the peace process within the society. This indicates that the interests of the society and of the victims converge over time and that impunity is not an option if peace is to be sustained. Consequently, the peace versus justice debate can be dismissed. Rather, the question should be how justice can be created through justice-seeking institutions on the local, national and international level. The next section deals with the functions of the International Criminal Court (ICC), which represents the most central yet widely discussed organ of international criminal accountability in place today.

2.2. Functions of the ICC

Even though the ICC is only one tool of many in the international peace and security architecture, it represents one of the most important arbiters of international criminal accountability existent today. The Rome Statute, which was adopted in 1998 and entered into force four years later on 1 July 2002, represents the defining legislature that established the International Criminal Court and provides it with its mandate. From a normative point of view, the mandate of the ICC is relatively simple. It’s most basic function is to help end impunity for the perpetrators of the most serious crimes committed in the territory or by a national of one of the contracting state parties. According to the Rome Statute, the ICC’s jurisdiction is limited to crimes of genocide, crimes against humanity, war crimes, and the crime of aggression that were committed after the entry into force of the statute on 1 July 2002 or the point in time at which the concerned state became a party to the statute. By signing the Rome Statute, the state party accepts the jurisdiction by the court over its nationals and territory. The jurisdiction applies to situations of alleged crimes which were referred to the ICC prosecutor by a state party (self-referral) or the Security Council acting under chapter VII of the Charter of the United Nations. Examples of cases of state referral include situations in Uganda, Democratic Republic of the Congo, and the Central African Republic. One incidence in which the Security Council referred a situation to the court is the example of Darfur/Sudan. The ICC prosecutor may also initiate an investigation on his or her own motion
on the basis of information received from any sources, individuals or organizations including non-state parties. Additionally, states that are not parties to the Rome Statute or that were not party at the time the alleged crimes were committed can refer a situation if they make an ad hoc declaration accepting the jurisdiction of the court. This was the case for the situation in Cote d’Ivoire, which made a declaration in 2003 accepting the jurisdiction of the Court from 19 September 2002 based on article 12 (3) of the Rome Statute. The Court may not exercise jurisdiction if credible national investigations or prosecutions are taking place and it by no means represents a substitute for national courts. The ICC has the mandate to prosecute any individual who is alleged to have committed crimes within the jurisdiction of the ICC and irrespective of any official position that may be held by the alleged perpetrators. Moreover, the Office of the Prosecutor’s prosecutorial policy is to focus on those who, having regard to the evidence gathered, bear the greatest responsibility for the crimes.

From a more societal-based approach, the ICC has other important functions that are directly related to peace-building processes. First of all, prosecution by the ICC is one of the few credible threats faced by leaders of warring parties responsible for atrocities (Grono, 2006). It is therefore crucial that the ICC demonstrates its credibility and effectiveness. It is important to note that the ICC’s prosecutions can have a deterrent effect and will make future would-be perpetrators behave differently (Davis, 2013). However, it may be difficult to prove whether the ICC itself creates deterrence as the court relies heavily on the cooperation of national systems to transfer suspects to The Hague for trials. Moreover, there is a constant debate concerning the detachment of ICC from the national level, which not only makes the collection of evidence and other routine operations more difficult and costly. The geographic distance of the court to the location of alleged human rights abuses also raises questions concerning the court’s legitimacy and its acceptance in the eyes of the people. Generally, only if the court’s legitimacy is recognized by the victims, can the ICC function as a justice-creating institution and can it create deterrence.

A second function of the ICC is that it individualizes guilt and marginalizes abusive leaders meaning that it places “blame for atrocities with named individuals rather than broader groups [and thereby] reduces the ability of group leaders to manipulate intergroup suspicion to achieve their political ends” (Davis, 2013, p.44). This, too, may have important consequences for ending conflicts as cutting off the leading head of one or many of the rivaling groups can lead to a dispersion of the conflict. However, the ICC may also be unmindful of ongoing peace negotiations and can undermine the rule of law on the national
level. It might thus be plausible that the decision to pursue prosecutions could have a negative or positive impact: the ICC may serve as a disincentive to negotiations, as accused perpetrators may also be lead negotiators, and may simply terminate negotiations if they fear arrest or prosecution (Sriram, 2007). Or, the ICC may have a positive effect as it might help internationalize the process in ways that bring in new incentives and help define topics more tightly (Sriram, 2007). It should be underlined that, as mentioned before, the ICC does not have jurisdiction if there are domestic efforts of prosecutions due to the ‘principle of complementarity’ to national criminal jurisdictions (see article 1 of the Rome Statute).

Lastly, it has to be noted that the ICC is a permanent court. This means that arrest warrants retain their validity until the accused has been handed over to the court. All countries that have ratified the Rome Statute have a binding treaty obligation to ‘cooperate fully’ with the court which includes an obligation to arrest potential perpetrators. This creates substantial international legal leverage and bolsters the ICC’s ability to act. Yet, arrest warrants may also have a negative impact on peace negotiations as they can prolong conflicts due to the reluctance of perpetrators to step down. Hence, there can be a discrepancy between the court’s international leverage and its actual regional impact as the court, despite its international scope, continues to rely on the support of national governments or actors.

3. The ICC and criminal accountability in the West African context

3.1. Overview - the ICC and Africa

The ICC’s involvement in criminal accountability initiatives in West Africa has been to a significant degree influenced by the court’s actions that have been taken in other parts of the continent. Even though it is difficult to disentangle the court’s contribution to peace-building and accountability measures, an investigation into the steps that have been taken by the court on the national level helps shed light on its record of accomplishments and allows for a deeper analysis of the court’s achievements. In general, there has been a recurrent debate concerning the reasons behind the Office of the Prosecutor’s keen interest in the African context. All situations and cases that are currently under investigation or prosecution by the ICC are in Africa. Most investigations into African situations have been opened at the request or with the support of African states (ICC Forum, 2014). Three of the African situations currently under investigation were self-referred. Two situations have been referred by the
Security Council. The DRC, Benin and Tanzania voted in favor of the UN Security Council referral of the Darfur situation to the ICC and South Africa, Gabon and Nigeria voted in favor of the UN Security Council referral of the Libya situation to the ICC (ICC Forum, 2014). Côte d’Ivoire accepted the jurisdiction of the ICC and undertook to cooperate with the ICC based on article 12 (3). Kenya’s former President Kibaki and Prime Minister Odinga pledged support to the Prosecutor’s independent decision to open an investigation into crimes in Kenya (ICC Forum, 2014). Mali referred to the ICC the crimes occurring on its own territory since January 2012 and this was supported by ECOWAS. Therefore, even though the ICC seems to overly engage with cases in Africa, it seems rightful to say that African countries have by and large given their consent. Moreover, as the ICC’s mandate does not extend to cases of mass violence that occurred prior to 2002 and is restricted to war crimes, crimes against humanity, and genocide, the court’s jurisdiction has a limited scope. As many situations that are under investigation or prosecution in Africa are distinguished by the sheer gravity of the crimes perpetrated and there seems to be an inability or unwillingness on the part of the state concerned to properly investigate and prosecute those cases (ICC Forum, 2014), the ICC’s involvement comes as a expected consequence. Although there have been other attempts to create criminal accountability most notably through tribunals, as was the case in Rwanda, the ICC has become the dominant justice-seeking organ on the African content due to its strong recent involvement. Nevertheless, these observations do not necessarily give the ICC the legitimacy it needs to have a genuine peace-building impact.

The International Criminal Court has taken a keen interest to invest in incidences of alleged criminal action that have taken place in the West African region. West African countries and the Mano River Basin in particular, have been particularly prone to civil conflict, military coups, and repressive regimes. Due to porous borders, there has been a tendency that conflicts erupting in one country would also have an impact on other countries within the region. Some of the spill-over effects include the operational support for rebel groups by communities and governments. For example, it is alleged that Liberians fought alongside the Revolutionary United Front (RUF) as it advanced into Sierra Leone in 1991, and during the 11-year conflict in Sierra Leone the RUF received financial support from former Liberian President Charles Taylor. Another example is Guinea which harbored and financed the disparate armed factions that coalesced into Liberians United for Reconciliation and Democracy (LURD) and fought the Second Liberian Civil War from 1999 to 2003. Other characteristics of the region resulting from year-long conflicts include millions of displaced
people, widespread rape, mutilation, torture and disappearances and mass economic hardship. Due to a lack of political oversight, corruption among local security services remains high. Furthermore, weak government structures paired with individual political and ethnic interests and low levels of security remain a challenge affecting particularly remote areas. The conflicts that erupted in Cote d’Ivoire, Guinea, Liberia and Sierra Leone continue to affect the sub-region with the consequence that many of the West African countries remain volatile. In order to evaluate the ICC’s achievement in terms of its peace-building capacities in West Africa so far, the next section focuses on two case studies namely Cote d’Ivoire and Guinea. Each section starts out with an overview of the court’s respective involvement in holding perpetrators accountable. After that, a more in-depth evaluation of the actual peace enhancing outcome of the ICC’s action will be presented.

3.2. Evidence from the field

3.2.1. Côte d’Ivoire

On 23 June 2011, the ICC Prosecutor at that time Luis Moreno Ocampo filed his request for authorization to commence an investigation into the situation in the Republic of Côte d’Ivoire in relation to the post-election violence between 16 December, 2010 and 12 April, 2011 based on article 15 of the Rome Statute according to which the “prosecutor may initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the Court” (ICC, 2014b). On 3 October 2011, the ICC Prosecutor opened the official investigation due to a referral into the situation in Côte d’Ivoire since 28 November, 2010. Shortly after, on 23 November, 2011, the Office of the Prosecutor requested the Judges at the ICC to issue an arrest warrant against Laurent Koudou Gbagbo, former President of Côte d’Ivoire, based on his alleged criminal responsibility, as an indirect co-perpetrator, for four counts of crimes against humanity, namely murder, rape and other sexual violence, persecution and other inhuman acts, allegedly committed in the context of post-electoral violence in the territory of Côte d’Ivoire that left close to 3000 dead (ICC, 2014b). Laurent Gbagbo was transferred to The Hague on 30 November, 2011, and made his first appearance before ICC judges on December 5, 2011. On June 12, 2014 the ICC pre-trial chamber confirmed by majority the charges held against Laurent Gbagbo and thereby opening the case against the former President of Côte d’Ivoire for trial. According to the Pre-Trial Chamber’s decision, “there is sufficient evidence to establish substantial grounds to believe that Laurent
Gbagbo […] is criminally responsible for the crimes against humanity of murder, rape, other inhumane acts” (OTP, 2014). On 22 November, 2012, the ICC judges also issued an Arrest Warrant against Simone Gbagbo for her alleged individual responsibility for crimes against humanity during Côte d’Ivoire’s post-election crisis in 2010–2011. However, the Ivorian Government has not been inclined to surrender Simone Gbagbo to the ICC and announced that she would be tried in the Ivorian courts (FIDH, 2013). Finally, there has been an arrest warrant against Charles Blé Goudé who is allegedly responsible as an indirect co-perpetrator of crimes against humanity in the post-election context. Charles Blé Goudé has been surrendered to ICC custody on 22 March, 2014.

Côte d’Ivoire had accepted the jurisdiction of the ICC by signing a declaration based on article 12 (3) on 18 April, 2003. Then during and after the crisis, on both 14 December, 2010 and 3 May, 2011, the newly elected President of Côte d’Ivoire Alassane Ouattara reconfirmed the country’s acceptance of this jurisdiction. Even though Ouattara’s involvement in the post-election crisis remains debated, the ICC has so far not made public any arrest warrants against supporters of the Ouattara regime. The pending case against Laurent Gbagbo in front of the ICC continues to be debated within the Ivorian society. The opposition party Front populaire ivoirien (FPI) keeps asserting that its former leader and founding father Laurent Gbagbo is innocent. Even though in recent years, President Alassane Ouattara has made further efforts to promote the country’s reconciliation and transitional justice process (UN, 2012), it has become obvious that the current regime refuses to investigate any charges held against it. Moreover, there have been incidences of attacks against civilians and of continued violence in the period following May 2011 indicating that public safety and respect for human rights continues to be a concern (Ford, 2014). Although the situation in Côte d’Ivoire has stabilized significantly over recent years, polarization stemming from the post-electoral crisis and a double-standard in the fight against impunity for perpetrators of criminal acts remain prevalent (FIDH, 2013). At the end of 2012, Ouattara’s regime officially started a dialogue and appeasement process with the FPI. More recently, the Ivorian authorities decided to release some 50 political prisoners and promised to take further action to bring forward the country’s reconciliation process. The Government, furthermore, appointed a Commission Dialogue, Verité et Reconciliation (CVDR) in May 2011 and created a Special Investigative Unit, the Cellule Spéciale d’Enquête (CSE) by ministerial decree in June 2011 to advance the reconciliation process.
Even though Côte d’Ivoire’s has expressed an interest in cooperating with the ICC in its ambitions to create justice, criminal accountability continues to be one sided. Given the multitude of actors involved in the Ivorian peace and reconciliation process, it is difficult to disentangle the ICC’s impact on peace-building in the country. Due to the ICC’s perceived focus on alleged criminal action perpetrated by the Laurent Gbagbo and the ‘inner circle’ of his party, the ICC’s action in Côte d’Ivoire has been criticized for not being fully impartial. Moreover, with respect to the national peace and reconciliation dialogue, the court is seen as an institution which is more or less detached from the national level. Even more so, the recent debate about whether the ICC is targeting Africa inappropriately has further polarized the court within the Ivorian society. Therefore, ambitions to promote a positive dialogue, from the angle of complementary, between the national and international justice processes have to be enhanced to further integrate the ICC’s decision making with the public debate and promote the Ivorian peace process. Even though the country’s authorities are now faced with an opportunity to shed light on past atrocities, further action needs to be taken to increase criminal accountability and reduce impartiality. As the ICC only just opened its trial against Gbagbo, it is too early to say whether the court’s involvement will have a positive impact on peace-building in Côte d’Ivoire. Consequently, the country remains at a crossroad. Nevertheless, the involvement of the ICC has helped stabilize the country in the short-term and the evolving situation seems hopeful.

3.2.2. Guinea

On 10 January, 2007, the Guinean trade union federations launched a general strike to protest against the high cost of living, poor governance, and lack of democracy that characterized the regime of General Lansana Conté, who was in power from 1984 until his death in 2008 (FIDH, 2014). The crackdown by the army and police forces on peaceful union protests throughout the months of January and February 2007 claimed hundreds of lives. Since then, President Alpha Conde has promised to establish a truth commission to investigate the atrocities committed during the reign of the junta and in the run up to the elections. In October 2009, then ICC Chief Prosecutor Luis Moreno Ocampo opened a preliminary examination into the violence committed during the pro-democracy rally (Reuters, 2011). Two years later, a group of West African human rights activists presented a petition to the ICC calling for a formal investigation. During her visit in March 2011, the
UN Human Rights Commissioner Navi Pillay urged the Guinean authorities to set up a truth and reconciliation commission as a matter of urgency. According to a report commissioned by the UN (2013), over 156 people were reported killed in the wake of the atrocities committed by Guinean soldiers when they opened fire at a stadium in September 2009 after demonstrations by opposition supporters.

Guinea ratified the Rome Statute in 2003, thereby giving the court jurisdiction over its territory. The Office of the Prosecutor has received 20 communications under article 15 in relation to the situation in Guinea and a preliminary examination of the situation in Guinea was made public on 14 October, 2009 (OTP, 2013). According to the information available, the Office has determined that there is a reasonable basis to believe that crimes against humanity were committed in the national stadium in Conakry on 28 September 2009 and in the days immediately thereafter including murder, torture, rape and other form of sexual violence, and enforced disappearance of persons (OTP, 2013). The Guinean Government has started its investigations into alleged atrocities during the September 2009 events. Since then, the OTP has paid a number of visits to Conakry to follow up on the investigation conducted by the Guinean authorities. In accordance with its positive approach to complementarity, the Office of the Prosecutor has pledged that it “will continue to actively follow-up on the proceedings and to mobilize relevant stakeholders, including state parties and international organizations, to support the efforts of the Guinean authorities to ensure that justice is rendered” (ICC, 2014c).

Even though the ICC has not yet taken any active steps to hold individuals accountable for past atrocities, the situation in Guinea remains under preliminary examination of the Office of the Prosecutor. According to the OTP’s Report on Preliminary Examination Activities from 2013, “critical steps remain pending with a view to demonstrating the genuineness of national efforts to hold perpetrators accountable” (p. 45). Hence, nearly five years after the alleged massacre has taken place, the situation in Guinea remains unclear. Nevertheless, it needs to be seen as positive that the ICC decided to encourage national efforts to investigate the incident and has so far opted for a supportive role. This shows that the ICC’s involvement in Guinea has had a primarily positive influence in terms of strengthening the national rule of law and further developing national accountability mechanisms. This implies that the ICC provides a peace-building incentive for countries to address former human rights abuses even if it is only indirectly involved. Again, it remains to be seen
whether the ICC’s leverage will be sufficient to allow for an all-encompassing peace process in Guinea.

4. Conclusion

This paper has shown that criminal accountability is essential to enable societies to heal after a period of repressive rule or armed conflict. Without a credible investigation into past human rights abuses, there can be no justice and without justice there can be no peace. The International Criminal Court constitutes an important international justice mechanism which is key to holding individual perpetrators of past atrocities accountable. As could be shown, the ICC has taken a pro-active stance in promoting criminal justice initiatives in Africa. However, a focus on the West African sub-region suggests that the ICC’s record of achievement remains ambiguous for now. Even though the ICC plays an active role in the peace and reconciliation process in Côte d’Ivoire, its active engagement in the country and its one-sided approach with respect to the former Gbagbo regime remain subject to debate. With regards to Guinea, the ICC has so far taken a more supportive stance which might help the country to strengthen its national accountability mechanisms. However, the time that has elapsed since the alleged massacre of the Conakry Stadium took place and the lacking criminal accountability are rather disappointing. As a consequence, it remains to be seen whether the ICC’s involvement will be a fruitful contribution to building peace in the West African region or whether the court’s efforts will be undermined by yet another wave of conflicts.

Generally, it should be underlined that the ICC’s peace-building efforts cannot be analyzed isolated from other local or regional peace installing attempts. Rather, the court’s role in promoting peace needs to be seen in light of the wider engagement of the country to build lasting peace. Consequently, it is intrinsically difficult to analyze the ICC’s peace bringing capacities without scrutinizing other regional efforts within the national context of each individual country. Moreover, the recent debate about whether the ICC targets African countries inappropriately continues to undermine the court’s legitimacy as a justice bringing organ and threatens the court’s ability to deliver peace, which may even have a detrimental effect on other peace and reconciliation efforts. Overall, as the West African case studies have shown, the future of the ICC concerning its peace enhancing capacities remains uncertain. Yet, the court bears significant peace-bringing potential which should be further explored should the West African region be pacified in the long term.


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