

An Analysis of African Solutions to African Problems: Practical Effects of International Criminal Court Withdrawals in Favour of Regional Court Systems

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Abstract : As of November 2016, three African states have withdrawn from the International Criminal Court (ICC) and more are expected to follow. The alleged abuse of universal jurisdiction and targeting of African states by the ICC motivated the withdrawals. These historical exits raise many questions, especially in regard to the adequate investigation and prosecution of international crimes in a continent with a history of impunity. Even though African courts exist and one more is proposed, many issues remain i.e. adequate access to the courts, the extent of the courts' jurisdiction, and proposed methods of effectively dealing with international crimes in Africa. This paper seeks to address the practical effects of the withdrawal from the ICC and the problems posed through utilizing regional courts. It will specifically look at the practical challenges existing courts face, the lack of access to the latter, issues concerning the proposed African Court for Justice and Human Rights, and the shocking promotion of impunity in Africa. These all have severe implications for African citizens and victims of the most heinous crimes. The mantra of African solutions to African problems places an important duty on states to ensure the actual provision of these solutions, which can only be achieved through a critical analysis of the questions above.

Keywords : ACJHR, Africa, impunity, justice, Malabo protocol

Conference Title : ICCFCJL 2017 : International Conference on Criminology, Forensics, Criminal Justice and Law

Conference Location : Zurich, Switzerland

Conference Dates : January 13-14, 2017