

## **The effectiveness of the ICC in addressing human rights violations: the case of Sudan (Dafur)**

**The effectiveness of the ICC in addressing human rights violations: the case of Sudan (Dafur)**

**BINDURA UNIVERSITY OF SCIENCE EDUCATION  
FACULTY OF SOCIAL SCIENCES AND HUMANITIES**



**THE EFFECTIVENESS OF INTERNATIONAL CRIMINAL COURT (ICC) IN  
ADDRESSING VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW: A  
CASE STUDY OF DARFUR REGION OF SUDAN.**

**BY**

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**The effectiveness of the ICC in addressing human rights violations: the case of Sudan (Dafur)****APPROVAL FORM**

The undersigned certify that they have read and recommend to Bindura University of Science Education for acceptance, a dissertation entitled; *“THE EFFECTIVENESS OF INTERNATIONAL CRIMINAL COURT (ICC) IN ADDRESSING VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW: A CASE STUDY OF DARFUR REGION OF SUDAN.”* submitted by INNOCENT CHISINANDAA in partial fulfilment of the requirements for MASTER OF SCIENCE IN INTERNATIONAL RELATIONS

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## **The effectiveness of the ICC in addressing human rights violations: the case of Sudan (Darfur)**

### **Abstract**

*The purpose of this study is to critically examine the effectiveness of the International Criminal Court (ICC) in addressing international human rights violations, with a particular focus on its impact in Sudan. Established in 2002, the ICC was created in response to global concerns about accountability for severe human rights violations, especially during widespread conflicts. This research aims to provide insights into the effectiveness of international justice mechanisms in addressing such violations and promoting reconciliation in post-conflict societies. Through qualitative research, utilizing document analysis and interviews with key informants, this study explores the ICC's involvement in Sudan, particularly in the Darfur region. The findings indicate that while the ICC has played a pivotal role in acknowledging and investigating crimes, prosecuting perpetrators, and influencing government attitudes, it has faced significant challenges. These challenges include a lack of state cooperation, security and operational constraints, resource limitations, political influence, and limited participation from victims. Local and regional dynamics, as well as adherence to legal standards, further complicate the ICC's effectiveness. Additionally, the study highlights persistent obstacles in Darfur, including non-cooperation from the Sudanese government, instability in the region, and conflicting perspectives between embassy representatives and human rights law experts. These factors present substantial barriers to comprehensively addressing human rights violations. The study concludes that while the ICC has made important strides in promoting international justice, its effectiveness is hindered by a complex interplay of political, legal, and logistical factors. It recommends enhancing state cooperation, addressing security and operational challenges, and ensuring political neutrality and diplomatic sensitivity to improve the ICC's role in post-conflict justice and reconciliation.*

**Key terms;** International Criminal Court, Human Rights and Justice

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**DECLARATION**

IINNOCENT CHISINANDAA, do hereby declare that this dissertation is a result of my own effort and research, except to the extent indicated in the acknowledgments, bibliography, references, and comments included in the body of the report, and that it has not been submitted in part or in full for any other degree to any other university.

IINNOCENT CHISINANDAA grant Bindura University permission to produce copies of this dissertation in whole or in part, for private, scholarly, or scientific research purposes.

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(Signed) 

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(Date)

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### **Dedication**

I dedicate this work to my sons, Innocent (jnr) and Arnold and my daughter Mavis for always keeping me on my toes and my wife Pamela for being true and faithful to my course. It is through your support and encouragement that I was able to accomplish this task. I can not forget my parents too for setting me on a solid foundation. Thank you all for supporting me. I love you all dearly

**The effectiveness of the ICC in addressing human rights violations: the case of Sudan (Dafur)****ACKNOWLEDGEMENT**

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**LIST OF ABBREVIATIONS**

- AI.....Amnesty International
- A.U.....African Union
- CSO.....Civil Society Organizations
- ICC.....International Criminal Court
- UN.....United Nations

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### **CHAPTER ONE**

#### **1. INTRODUCTION**

##### **1.1. Background of the study**

The establishment of the International Criminal Court (ICC) stems from a longstanding international concern regarding the accountability of individuals responsible for heinous human rights violations. This concern has been a recurring issue within the global community, particularly in the context of widespread conflict and violence (Appel, 2018). The origins of the ICC can be traced back to a pivotal moment following World War II. Jo and Simmons (2016) argue that the Nuremberg and Tokyo tribunals, which were established in the aftermath of the Second World War, laid the groundwork for this development. In 1948, with the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, the United Nations General Assembly acknowledged the necessity for a permanent international court to address the very types of atrocities that had recently occurred (Appel, 2018). It was within this historical context that the ICC was eventually established.

In 2002, a momentous milestone was reached with the establishment of the International Criminal Court (ICC). According to Horowitz et al. (2014), the ICC emerged as a permanent international tribunal with the primary mandate of prosecuting individuals held accountable for the gravest international offenses, including genocide, war crimes, crimes against humanity, and the crime of aggression. Legally, the ICC derives its authority from the Rome Statute of the International Criminal Court, which is the treaty responsible for its creation (Jo and Simmons, 2016). Notably, this statute was adopted during a diplomatic conference held in Rome, Italy, on the 17th of July 1998, and it officially came into effect on the 1st of July 2002.

While the ICC represents a significant advancement in the pursuit of global justice, its ability to effectively address violations of international human rights law remains a subject of extensive deliberation and examination (Mensa-Bonsu, 2015). Despite this criticism, Benyera (2022) highlights that, as the ICC celebrated its 20th anniversary in 2022, it had progressively established authoritative legal precedents through judgments in prominent cases. According to Benyera (2022), a total of 31 cases had been initiated, resulting in 10 convictions and 4 acquittals rendered by the Court's judges. Furthermore, the ICC was actively conducting investigations into 17 ongoing cases associated with some of the world's most turbulent

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conflicts, including those in the Democratic Republic of the Congo, Central African Republic, Georgia, and Ukraine (Benyera, 2022).

While the International Criminal Court (ICC) has overseen a total of 31 cases, it has encountered significant criticism for its perceived shortcomings in delivering the desired justice. This criticism spans various areas, including selectivity and bias, lack of enforcement power, limited deterrence, resource constraints, protracted legal processes, susceptibility to political pressures, restricted universal jurisdiction, complexities surrounding victim participation, and potential impacts on peace negotiations (Milena, 2020; Sascha et al., 2020). Consequently, these critiques have prompted substantial questioning of the ICC's effectiveness and adherence to its mandated responsibilities.

One of the most contentious issues concerning the International Criminal Court (ICC) revolves around allegations of its disproportionate focus on African states. Out of the 31 cases that have come under the ICC's purview, a staggering 30 have involved African states (Milena, 2020). This skewed representation has raised significant concerns and led to actions by several African countries, including Burundi, South Africa, and Gambia, threatening with the process of withdrawing from the ICC. Their motivations for withdrawal stem from concerns regarding the court's practices and a perceived bias against African nations (Sascha et al., 2020). Furthermore, the African Union has taken a stance against the ICC, accusing it of singling out African leaders for prosecution and even advocating for immunity for sitting heads of state (Benyera, 2022). Critics of the ICC also point out what they see as a glaring inconsistency: despite the United States not being a party to the Rome Statute and therefore outside the court's jurisdiction, the ICC has been notably more active in pursuing cases against leaders from African countries in comparison (Appel, 2018). This discrepancy has cast a critical spotlight on the ICC, raising questions about its impartiality and fairness despite its global significance.

In light of the prevailing concerns surrounding the International Criminal Court's (ICC) effectiveness in addressing violations of international human rights law, there arises a compelling need to embark on a comprehensive examination of the ICC's operations, particularly in cases that have undergone trial. This research is centred on conducting an in-depth assessment of the ICC's engagement and outcomes within the context of Sudan.

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The primary goal of this study is to meticulously scrutinize the ICC's effectiveness in Sudan, aiming to provide valuable insights into the efficacy of international justice mechanisms, such as the ICC, in addressing human rights violations and promoting reconciliation in post-conflict societies. Through this endeavour, the research aspires to make a substantial contribution to the ongoing discourse regarding the challenges and accomplishments of these institutions in their pursuit of global justice.

### **1.2. Purpose of the Study**

The aim of this study is to explore and analyse the effectiveness of the International Criminal Court in addressing violations of International Human Rights Law, by focusing on the case study of Darfur region of Sudan.

### **1.3. Statement of the Problem**

The establishment of the International Criminal Court (ICC) in 2002 was a response to global concerns about the accountability of individuals responsible for severe human rights violations, particularly during widespread conflicts. While the ICC was founded with the mandate to prosecute grave international crimes such as genocide, war crimes, crimes against humanity, and aggression, questions persist about its effectiveness in achieving its objectives. Since its inception, the ICC has faced significant criticism regarding its ability to address international human rights violations comprehensively and impartially.

By 2022, the ICC had initiated 31 cases, resulting in 10 convictions, 4 acquittals, and 17 ongoing investigations, primarily in conflict zones. Despite these efforts, critics argue that the Court struggles with several key issues, including selective prosecution, enforcement limitations, resource constraints, prolonged legal processes, political influence, and jurisdictional restrictions. These challenges have raised concerns about the ICC's capacity to act as a deterrent to human rights violations and its overall role in post-conflict justice and reconciliation.

One of the most contentious issues is the perception that the ICC disproportionately targets African states, with 30 of its 31 cases involving African nations. This has led to accusations of bias and threats of withdrawal by countries like Burundi, South Africa, and Gambia. The African Union has criticized the ICC for focusing on African leaders and has called for immunity for sitting heads of state. Additionally, critics point to inconsistencies in the ICC's

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approach, particularly its lack of jurisdiction over leaders from powerful nations, such as the United States, further fueling questions about its fairness and impartiality.

Given these controversies, there is a pressing need to assess the ICC's impact, particularly in cases it has tried, to determine whether it effectively serves its mission of delivering justice and fostering reconciliation in post-conflict societies. This study focuses on the ICC's involvement in Sudan, examining its effectiveness in addressing human rights violations and contributing to the broader discourse on the challenges faced by international justice mechanisms.

### **1.4. Research Objectives**

1. To assess the impact of International Criminal Court (ICC) in addressing human rights violations in Sudan.
2. To analyse the factors influencing the effectiveness of the ICC interventions in cases of human rights violations in Sudan.
3. To examine the challenges encountered by the ICC in pursuit of its objectives in the Darfur region of Sudan.

### **1.5. Research Questions**

1. What is the impact of the International Criminal Court in addressing human rights violations in Sudan?
2. What factors influence the effectiveness of ICC in cases of human rights violations in Sudan?
3. What are the challenges faced by the ICC in achieving its objectives in the Darfur region of Sudan?

### **1.6. Assumptions**

1. The International Criminal Court is in the Darfur region of Sudan to adjudicate legal cases owing to ongoing violations of International Human Rights Law.
2. The study would establish the answers to improve the state of human rights in Africa and internationally.

### **1.7. Significance of the study**

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The significance of the study, "The Effectiveness of the International Criminal Court in Addressing Violations of International Human Rights Law: A Case Study of Sudan (Darfur)," is multifaceted and extends to both academic and practical realms.

Firstly, this research holds substantial academic importance as it contributes to the existing body of knowledge surrounding international criminal justice, human rights, and conflict resolution. By conducting a comparative analysis of the ICC's interventions in Sudan, particularly in the Darfur region, this study offers a nuanced understanding of the challenges and opportunities faced by international institutions in addressing complex human rights violations in conflict zones. Scholars and researchers in the fields of international law, political science, and human rights will find value in the insights derived from this research, which can inform their future studies and analyses.

Secondly, the practical significance of this study is underscored by its potential to inform policy and decision-making processes at both the national and international levels. As the ICC continues to grapple with allegations of selectivity, bias, and operational challenges, the findings of this research can provide policymakers and international stakeholders with evidence-based insights into the effectiveness of the ICC's actions in Sudan. This, in turn, can guide efforts to enhance the accountability and justice mechanisms in conflict-affected regions worldwide, contributing to the ongoing discourse on how international institutions can better address human rights violations and promote reconciliation in post-conflict societies. Ultimately, the study has the potential to influence policy recommendations and strategies aimed at improving the ICC's role in addressing violations of international human rights law, thereby advancing the cause of global justice.

### **1.8. Delimitations of the study**

This study is specifically limited to the Darfur region of Sudan, due to presence of conflicts, as well as established precedent in referral of situations by the UNSC through resolution 1593(2005) to the ICC. The time scope of the study was limited to the 1<sup>st</sup> of July 2002, when the ICC came into effect up to 2023 and the time of finalising the writing of this study report.

### **1.9. Limitations**

The study faced challenges related to the availability and accessibility of relevant documents, as some key information was either limited or not publicly disclosed. To mitigate this

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limitation, the study employed multiple strategies. First, efforts were made to access publicly available archives, databases, and reports from international organizations, NGOs, and government agencies. Where possible, official ICC documents and case files were retrieved. Additionally, interviews with key informants, such as legal experts, human rights activists, and diplomats, were conducted to supplement the missing or inaccessible documents. These informants provided insights and firsthand accounts that helped bridge gaps in the available data. By triangulating information from various sources, the study ensured a comprehensive analysis despite document limitations.

### **1.10. Definition of key words**

**International Criminal Court (ICC)** is defined as the international tribunal established to prosecute individuals responsible for serious international crimes, including genocide, war crimes, crimes against humanity, and the crime of aggression.

**International Human Rights Law** can be defined as the body of international law that governs the rights and responsibilities of individuals and states concerning human rights, as established in various international treaties and conventions.

**Peace** refers to a state of harmony, tranquillity, and absence of conflict or violence in a society or region. It encompasses not only the absence of armed conflict (negative peace) but also the presence of conditions that promote well-being, social justice, and cooperation (positive peace). Peace can be achieved through diplomatic negotiations, conflict resolution, reconciliation, and efforts to address the root causes of conflict.

**Justice** is a concept related to fairness, equity, and the application of laws and principles to ensure that individuals are treated in a morally and ethically right manner. In the context of international human rights and humanitarian law, justice often refers to retributive justice, which involves holding individuals accountable for human rights violations and crimes. It can also encompass restorative justice, which focuses on repairing harm, addressing the needs of victims, and reconciling communities affected by conflict and abuses.

**Impunity** refers to the exemption or immunity from punishment or accountability for individuals who have committed crimes or human rights violations. When perpetrators of serious crimes, such as war crimes, genocide, or crimes against humanity, are allowed to escape legal consequences for their actions, it creates a culture of impunity. Impunity can

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undermine the rule of law, hinder reconciliation efforts, and perpetuate cycles of violence and abuse. Addressing impunity is a key component of achieving justice and sustainable peace in post-conflict societies.

**Human Rights** according to the Equality and Human Rights Commission (2023) human rights are the basic rights and freedoms that belong to every person in the world, from birth until death.

## **CHAPTER TWO: LITERATURE REVIEW**

### **2. Introduction**

This chapter serves as a comprehensive exploration of the existing literature pertinent to the study, delving into its significance as a critical foundation. Its primary purpose is to acquaint the research with the wealth of prior studies and empirical evidence, setting the stage for a thorough understanding of the subject matter. To initiate this chapter, the chapter embarks upon an examination and discourse on the guiding theoretical framework of the study, which finds its roots in institutionalism theory. This theoretical foundation is expounded upon, elucidating its key tenets and its applicability within the context of the research. Moving forward, the study undertakes a meticulous analysis of the International Criminal Court's (ICC) influence in addressing human rights violations in Sudan. This involves an in-depth exploration of the extent and nature of the ICC's impact on this matter. In addition, the research scrutinizes the specific factors that wield significant influence in shaping the efficacy of the ICC's interventions when it comes to human rights violations in Sudan.

However, it is essential to acknowledge that the ICC, like any other institution, faces its own set of challenges and limitations in pursuit of its objectives in Sudan. These obstacles were scrutinized and discussed comprehensively within this chapter, shedding light on the complexities inherent in the ICC's mission. As the chapter approaches the conclusion, there is not merely a summary of the content but also an engagement in a thorough examination of the implications arising from the challenges and limitations encountered by the ICC. These implications bear significance in understanding the broader context of the ICC's overall effectiveness in addressing violations of international human rights law within the Sudanese context. In essence, this chapter is a critical stepping stone in the research journey, equipping the study with a thorough comprehension of the theoretical framework, the ICC's role, and the multifaceted challenges it faces. It lays the groundwork for the subsequent chapters, setting the stage for a comprehensive analysis of the pertinent issues at hand.

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### **2.1.Theoretical framework**

#### *2.1.1. Institutionalism theory*

This study is grounded in institutionalism theory, which offers a valuable lens through which to analyse the dynamics of international institutions, particularly in the context of the International Criminal Court (ICC) and its role in addressing human rights violations in Sudan. Institutionalism, as an analytical framework, provides essential insights into the functioning and impact of international organizations. In this study, institutionalism was applied to examine how the ICC's institutional design, rules, and decision-making processes have influenced its actions and outcomes within Sudan. Fioretos (2011) argues that institutions are pivotal in understanding politics and international relations, regardless of the perspective, be it rational choice, historical, or sociological.

One core aspect underscored by institutionalism is the pivotal role that institutional structure plays in shaping human behaviour (Drezner, 2010). This perspective highlights those institutions, such as international organizations, exert a significant influence on the decisions and actions of states and other actors in the international system (Keohane, 1984). In the specific context of the International Criminal Court (ICC) and its involvement in Sudan, this study delves deep into the examination of how the Court's intricate organizational framework has influenced its capacity to effectively handle cases related to human rights violations

The organizational structure of the ICC comprises various key components, including its offices, chambers, and presidency, each of which plays a distinct role in the functioning of the Court (Rogers, 2011). The ICC's Office of the Prosecutor (OTP), for instance, is responsible for investigating and prosecuting cases, while the Pre-Trial, Trial, and Appeals Chambers are responsible for different stages of the judicial process (Stahn, 2015). Moreover, the ICC's presidency oversees its administrative and diplomatic functions, thereby holding a pivotal role in coordinating and representing the Court at the international level (Ferstman, 2009).

A central aspect of this study involves an in-depth exploration of how the allocation of responsibilities among these various ICC organs has influenced its effectiveness in handling cases within the Sudanese context. This investigation is essential as it helps understand how the ICC's organizational structure impacts its ability to pursue justice for human rights violations in Sudan. For instance, the allocation of roles between the OTP and the different chambers may affect the efficiency and coordination of case proceedings, which, in turn, may

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impact the overall effectiveness of the ICC in addressing human rights violations (Rome Statute of the International Criminal Court, 1998).

The interactions between the International Criminal Court (ICC) and its state parties, with a particular focus on countries like Sudan, are pivotal in shaping the Court's operational effectiveness and outcomes (Cassese, 2008). This dimension of international criminal justice is intrinsically linked to the Court's ability to fulfil its mandate and deliver justice for human rights violations. The Rome Statute, the founding treaty of the ICC, establishes a framework for cooperation between the Court and its member states. The extent to which states like Sudan cooperate with the ICC can profoundly impact various aspects of the Court's functioning.

One significant facet of these interactions lies in the realm of information-sharing. States that are parties to the Rome Statute are obliged to cooperate with the ICC in providing relevant information about alleged crimes and facilitating investigations (ICC, 1998). This information is essential for the Court to build its cases, establish the facts, and ultimately render justice. Therefore, the degree of cooperation or non-cooperation from state parties like Sudan can influence the quality and quantity of information available to the ICC (Murphy, 2018).

Furthermore, the ICC often relies on the cooperation of state parties to secure access to witnesses and evidence. Witness testimonies are crucial for the prosecution's case and the defense's ability to present evidence. State parties, including Sudan, can either facilitate or hinder the ICC's efforts to secure witness testimony, depending on their willingness to cooperate (Stahn, 2018).

Arrest warrants issued by the ICC can also be a contentious issue in the context of state party interactions. The Court relies on the cooperation of state parties to execute these arrest warrants. In cases where individuals indicted by the ICC are present within the territory of a state party, their arrest and surrender to the Court are expected. However, state parties may choose to comply or resist these warrants, raising questions about their commitment to international justice and their relations with the ICC (Dugard, 2005). In the specific case of Sudan, the ICC's interactions with this state party have been particularly complex and contentious. Sudan has not only faced ICC arrest warrants against high-ranking officials, such as former President Omar al-Bashir but has also resisted cooperation with the Court, which has led to significant challenges in implementing ICC decisions (Cassese, 2008).

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Brecher and Harvey (2012) assert that institutionalism provides valuable insights into how international organizations like the ICC function and the impact they have on state behaviour. The ICC, as a prominent international institution, is governed by a set of rules and norms outlined in the Rome Statute. These rules and norms are central to its mission of combating impunity for individuals responsible for the most heinous international crimes, including human rights violations (Cassese, 2008).

The Rome Statute, adopted in 1998, serves as the foundational document for the ICC's operations. It outlines the jurisdiction, structure, and legal procedures of the Court. This study critically examines how the Rome Statute, as a key institutional framework, has effectively addressed human rights violations in Sudan. By analyzing the Statute's provisions and their practical implementation, the study assesses whether it has been successful in prosecuting those responsible for such violations.

Furthermore, this study scrutinizes any disparities in the application of the ICC's legal framework in cases related to human rights violations in Sudan. Scholars such as Haas (2019) have argued that institutionalism can help shed light on the power dynamics and variations in compliance with international norms. Therefore, by employing an institutionalist lens, the study investigates whether the ICC's approach to addressing human rights violations in Sudan has been consistent or if there are discernible differences in its responses to various situations.

The theory of institutionalism provides a valuable lens through which to examine decision-making processes within international organizations and their consequent actions (Drezner, 2010). Within the framework of the International Criminal Court (ICC), a key international organization focused on addressing human rights violations, this research delves into the intricate intricacies of how cases are selected for prosecution, the issuance of arrest warrants, and the rendering of judgments. Such scrutiny allows for a comprehensive understanding of the underlying dynamics that shape the ICC's decisions, particularly in the specific context of Sudan.

Drezner's work (2010) underscores the significance of institutional factors in influencing international organizations' decision-making processes. In the context of the ICC, the selection of cases for prosecution is a multifaceted process influenced by various institutional elements. The Rome Statute, which established the ICC, outlines specific criteria for the admissibility of cases (International Criminal Court, 1998). Factors such as gravity,

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complementarity, and the interests of justice come into play, illustrating how the ICC's institutional framework guides its selection of cases.

The issuance of arrest warrants, a pivotal step in the ICC's process, is also subject to institutional considerations. The Rome Statute empowers the Court to issue arrest warrants based on reasonable grounds to believe that a suspect has committed crimes within its jurisdiction (International Criminal Court, 1998). This process reflects the interplay between legal provisions and institutional mechanisms, emphasizing the institutional dimension of decision-making within the ICC. Furthermore, the rendering of judgments by the ICC is another vital aspect of its work that warrants institutional analysis. The composition of the Court's bench, the quality of legal representation, and the adherence to due process are all institutional factors that can influence the outcomes of ICC trials (Stahn, 2014). These elements contribute to the overarching narrative of how institutionalism shapes the ICC's decision-making processes.

In the context of Sudan, understanding the factors that influence the ICC's decisions is particularly pertinent. Sudan has been the subject of multiple ICC investigations, including cases against high-ranking officials such as Omar al-Bashir (International Criminal Court, 2019). The dynamics surrounding these cases provide a rich empirical basis for examining the interplay between institutional factors and the ICC's actions.

### **2.2. The International Criminal Court's (ICC) impact on addressing human rights violations.**

The International Criminal Court (ICC) was established with the primary mandate to prosecute individuals responsible for the most serious crimes of international concern, including genocide, war crimes, and crimes against humanity. One of the regions where the ICC has been particularly active is Sudan, a country plagued by persistent human rights violations and conflict.

The International Criminal Court (ICC) embarked on its involvement in Sudan with a watershed moment when it issued arrest warrants for high-ranking Sudanese officials, most notably President Omar al-Bashir, in connection with the Darfur conflict. These arrest warrants marked a significant milestone in the realm of international justice, as they signalled the willingness of the international community to hold even sitting heads of state accountable for crimes under the jurisdiction of the ICC (Mega, 2009). The issuance of arrest warrants

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against sitting heads of state is a rare occurrence in the history of international justice. It underscores the ICC's commitment to its mandate of prosecuting individuals responsible for the most serious crimes of international concern, regardless of their political status (Meyer, 2012). Such actions are in line with the principles of accountability and the idea that no one should be above the law (Schabas, 2009).

However, the practical effectiveness of these arrest warrants in bringing perpetrators to justice in the Sudanese context has been limited. Despite the issuance of the warrants, President al-Bashir remained in power for several years and apprehending him proved to be a complex and challenging task. Political and logistical obstacles, including non-cooperation by the Sudanese government, hindered the ICC's efforts to arrest and prosecute al-Bashir (ICC, 2019). The case of President al-Bashir highlights the tension between the legal mandates of the ICC and the political realities on the ground. While the ICC can issue arrest warrants and demand cooperation from states parties, it lacks its own enforcement mechanism. As such, its effectiveness in bringing indicted individuals to justice depends heavily on the cooperation of states and other international actors (DeGuzman, 2010).

A crucial aspect of the International Criminal Court's (ICC) impact in Sudan centers on its potential to deter future human rights violations. This dimension is grounded in the belief that the ICC's mere presence can serve as a deterrent, signalling those individuals who commit egregious crimes may face international prosecution (Cryer, 2010). The issuance of arrest warrants by the ICC for Sudanese officials, including President Omar al-Bashir, was a watershed moment in the pursuit of international justice. These arrest warrants sent a clear message that impunity for grave crimes would no longer be tolerated in the international community's eyes (ICC, 2019). The ICC's actions were seen as a symbol of accountability and a step towards justice for the victims of the Darfur conflict.

However, the actual deterrence effect of the ICC in Sudan remains a topic of ongoing debate among scholars and policymakers. Some argue that the ICC's limited capacity to enforce its arrest warrants has weakened its deterrent impact (DeGuzman, 2010). The ICC relies on the cooperation of states to apprehend and transfer indicted individuals, and in the case of Sudan, such cooperation has been largely absent. President al-Bashir, for example, remained in power for years after the issuance of his arrest warrant, highlighting the practical challenges faced by the Court in bringing high-ranking officials to justice (ICC, 2019). Moreover, concerns have

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been raised about the potential unintended consequences of the ICC's involvement in conflict zones. Scholars like Schabas (2011) have argued that the Court's pursuit of justice through arrest warrants may undermine peace negotiations. Indicted individuals may be less willing to engage in negotiations if they fear arrest and prosecution, potentially prolonging conflicts.

The International Criminal Court (ICC) has played a pivotal role in delivering justice to victims of human rights violations in Sudan, exemplified by its provision of a platform for these victims to seek justice and reparations (Obokata, 2017). The ICC's significance in this regard is underscored by its ability to address the harms suffered by victims, providing a forum for their voices to be heard and their rights to be acknowledged. The case of Thomas Lubanga, a Congolese warlord, serves as a poignant illustration of the ICC's role in ensuring justice for victims, particularly child soldiers (ICC, 2012). Lubanga's trial marked a milestone in international justice, with the Court holding him accountable for the recruitment and use of child soldiers in the Democratic Republic of Congo. This case exemplifies the ICC's commitment to addressing the plight of victims and the violations they endured.

Nonetheless, the ICC's impact on delivering justice in Sudan has encountered significant challenges. Firstly, some key suspects implicated in the Darfur conflict remain at large, evading arrest (ICC, 2019). The limited enforcement capacity of the Court and the reluctance of states to cooperate in apprehending suspects have hindered the ICC's ability to bring all perpetrators to justice (DeGuzman, 2010). Furthermore, the effectiveness of domestic justice mechanisms in Sudan has been largely inadequate in addressing the scale and gravity of human rights violations. The Sudanese government's reluctance to prosecute individuals responsible for these crimes has necessitated the ICC's intervention (Kaplan, 2018). This highlights the ICC's role as a necessary institution when national jurisdictions are unwilling or unable to pursue justice effectively. In addition to these challenges, the ICC's capacity to engage with and support victims has faced limitations due to resource constraints (Van der Wilt & Bakker, 2018). Adequate resources are essential to ensure that victims can participate meaningfully in ICC proceedings, access legal representation, and receive reparations for the harms they have suffered.

### **2.3. The factors influencing the effectiveness of the International Criminal Court's (ICC) interventions in cases of human rights violations in Sudan.**

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The level of cooperation exhibited by the Sudanese government towards the International Criminal Court (ICC) represents a pivotal factor that significantly shapes the ICC's effectiveness in addressing human rights violations within Sudan. Scholars in the field have underscored the critical importance of state cooperation as a fundamental determinant of the ICC's operational efficacy.

Werle and Westhoff (2009) offer valuable insights into this matter, highlighting that the absence of active collaboration from the Sudanese government can severely curtail the ICC's ability to carry out its core functions. Specifically, Werle and Westhoff (2009) argue that state cooperation is paramount for the ICC's capacity to effectively investigate, apprehend, and prosecute individuals who are implicated in human rights violations within Sudan. This cooperation extends to various aspects of the ICC's work, including the gathering of evidence, securing the presence of suspects, and facilitating access to pertinent witnesses and documents.

The significance of state cooperation elucidated by Werle and Westhoff (2009) aligns with a broader consensus within the academic community regarding the ICC's operational dynamics. The ICC operates within the realm of international law, and its authority is contingent upon the willingness of states to collaborate and adhere to its mandates (Cassese, 2008). As such, the ICC's reliance on state cooperation underscores the intricate interplay of diplomatic and political factors in the pursuit of its objectives.

Furthermore, the importance of state cooperation also sheds light on the challenges faced by the ICC in situations where states may be reticent to cooperate due to political considerations or concerns about their own officials being subject to prosecution. This tension between international justice and national sovereignty is a recurrent theme in the ICC's work and merits further exploration.

The volatile security situation in Sudan presents a formidable impediment to the International Criminal Court (ICC) in its pursuit of effective investigations. Akande (2007) underscores the substantial hurdles encountered by the ICC when attempting to access conflict zones and conduct on-the-ground investigations within the Sudanese context. The author highlights that these challenges primarily emanate from pressing security concerns, which have persisted in the region for an extended period.

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To provide a deeper insight into this issue, it is essential to recognize the gravity of the security situation in Sudan. Over the years, Sudan has grappled with internal conflicts, civil wars, and political instability, resulting in a precarious security landscape (Akande, 2007). In regions marked by ongoing violence and instability, such as Darfur and South Kordofan, the ICC's personnel and investigators face genuine threats to their safety and well-being (Akande, 2007). Furthermore, this volatile environment has far-reaching implications for the ICC's ability to collect crucial evidence required for its investigations. In conflict-ridden areas, witnesses and victims are often fearful of coming forward due to concerns about potential reprisals, further complicating the evidence-gathering process (Akande, 2007). This, in turn, can hinder the Court's capacity to build strong cases against alleged perpetrators of international crimes.

The implications of this security challenge are profound and extend to the broader effectiveness of the ICC's mission in Sudan. The Court's ability to hold individuals accountable for human rights violations and atrocities relies heavily on the quality and quantity of evidence collected. In an environment where security concerns obstruct access to key locations and deter witnesses from providing crucial testimonies, the ICC's overall effectiveness becomes compromised (Akande, 2007).

The extent of international support and cooperation constitutes a pivotal determinant in the effectiveness of the International Criminal Court's (ICC) endeavours in Sudan (Kreb, 2006). The ICC, as an international institution, operates within a web of diplomatic, logistical, and political interdependencies with other states, international organizations, and non-governmental organizations (NGOs). These interconnections are integral to the Court's ability to carry out its mission effectively and impartially. Diplomatic support from key states within the international community is a cornerstone of the ICC's operational capacity. The active engagement and endorsement of influential nations can significantly bolster the ICC's credibility and impact in Sudan (Murphy, 2019). The international community's diplomatic efforts can manifest in various ways, such as issuing statements of support, leveraging their political influence to encourage cooperation from Sudan and other relevant actors, and advocating for the ICC's mandate in international forums.

Furthermore, logistical assistance from international organizations and NGOs is instrumental in facilitating the ICC's practical operations on the ground. These entities often contribute

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resources, expertise, and logistical support to enable the Court to carry out investigations, secure evidence, and protect witnesses (Henderson, 2015). For example, organizations like the United Nations and specialized NGOs provide crucial logistical and security support, ensuring that the ICC can conduct its activities safely and effectively in a challenging environment like Sudan. However, the level of diplomatic pressure and assistance that the ICC receives from the international community can fluctuate significantly depending on political dynamics, regional interests, and global priorities (Werle, 2010). In situations where Sudan is involved, political considerations and strategic alliances can influence the willingness of states to support the ICC's actions. Thus, variations in international support and cooperation can directly impact the ICC's ability to achieve its objectives and deliver justice for human rights violations in Sudan.

The principle of complementarity, as elucidated in the Rome Statute of the International Criminal Court (ICC), is a fundamental concept that underscores the critical role of national legal systems in addressing and redressing human rights violations (Cassese, 2008). According to this principle, the ICC steps in as a court of last resort, only intervening when national jurisdictions are unable or unwilling to genuinely prosecute individuals responsible for grave international crimes, such as genocide, war crimes, and crimes against humanity (Rome Statute of the International Criminal Court, 1998).

Cassese (2008) highlights the importance of this principle, emphasizing that it represents a pivotal aspect of the ICC's mandate. It recognizes the sovereignty of states and their primary responsibility for ensuring justice and accountability within their borders. In essence, the principle of complementarity serves as a mechanism to promote the jurisdiction of national legal systems in addressing these heinous crimes, thereby preserving the integrity of state sovereignty, and promoting a cooperative approach to international justice.

Effectiveness in the ICC's interventions in situations like those in Sudan is intrinsically intertwined with the capacity and willingness of the Sudanese legal system to conduct genuine domestic prosecutions. This dual requirement encapsulates two essential dimensions: The Sudanese legal system must have the requisite legal frameworks, resources, infrastructure, and expertise to effectively investigate and prosecute individuals accused of international crimes. Capacity-building efforts, often supported by international organizations and donors, play a vital role in strengthening the Sudanese legal system's ability to handle such cases

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(ICC-ASP, 2019). Beyond capacity, the Sudanese government and authorities must exhibit a genuine willingness to prosecute those responsible for human rights violations. This entails a political commitment to justice and accountability and a departure from any hindrances or impediments that might obstruct fair and impartial trials (Cryer et al., 2010).

Effective collaboration between the ICC and national authorities is paramount in enhancing the Court's overall effectiveness in situations like Sudan. This cooperation involves sharing information, evidence, and expertise to facilitate joint efforts in bringing perpetrators to justice. The principle of complementarity, when applied effectively, encourages states to work closely with the ICC, fostering a synergy that strengthens the pursuit of justice (ICC, 2016).

Engaging with local communities and ensuring active victim participation are widely recognized as pivotal elements in the success of the International Criminal Court's (ICC) interventions (Ferstman, 2008). Scholarly discourse has consistently emphasized the critical role played by these factors in the ICC's ability to effectively fulfil its mandate. This perspective is rooted in the belief that a more inclusive and participatory approach not only aligns with principles of justice and accountability but also significantly enhances the prospects of achieving meaningful outcomes within the context of international criminal justice (Dancy, 2011; MacArthur & Grantham, 2019).

Ferstman's work in 2008 underscores the importance of these considerations within the ICC's operational framework. This assertion is substantiated by empirical evidence and scholarly analyses that highlight the challenges and complexities of prosecuting individuals responsible for grave international crimes in various contexts, including situations involving human rights violations in Sudan (Casarino, 2009; Yackee, 2014). Ferstman's contribution, therefore, echoes the sentiments of other scholars who advocate for a more community-centric approach in the Court's endeavours (Clark, 2015).

One of the central arguments put forth by scholars is the significance of outreach efforts aimed at informing local populations about the ICC's mission and its potential benefits. Such initiatives are viewed as essential tools for building trust and garnering support for the Court's actions within the communities directly affected by the crimes under investigation (Smeulers & Haveman, 2014; Vasiliev, 2017). The notion here is that when individuals within these communities understand the ICC's role in seeking justice and redress, they are more

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likely to cooperate with the Court, provide crucial information, and even testify as witnesses (Dancy, 2011; MacArthur & Grantham, 2019).

Indeed, these outreach efforts are not mere public relations exercises but rather integral components of the ICC's strategy for achieving its objectives (Van den Herik, 2011). They are essential mechanisms for bridging the gap between international justice mechanisms and local populations, fostering a sense of ownership and inclusion in the pursuit of justice (Englehart, 2016). By engaging with local communities and actively involving victims, the ICC enhances its credibility and legitimacy as a mechanism capable of delivering justice, not only for the global community but also for those most directly affected by international crimes (Casarino, 2009).

The intricate political landscape in Sudan, characterized by persistent conflicts and power struggles, exerts a substantial and well-documented influence on the operational effectiveness of the International Criminal Court (ICC). As aptly noted by Fenrick (2006), these complex political dynamics are pivotal in shaping the ICC's ability to fulfil its mandate effectively within the Sudanese context. In this regard, it is imperative to delve deeper into the multifaceted ways through which political considerations impact the ICC's work in Sudan, encompassing areas such as cooperation, evidence collection, and the enforcement of its decisions.

The volatile political environment in Sudan often results in wavering or even non-existent cooperation from the Sudanese government. As highlighted by Fenrick (2006), political leaders in Sudan may be reluctant to collaborate with the ICC due to concerns about potential domestic repercussions, including threats to their own political stability and power structures. This lack of cooperation can significantly impede the ICC's ability to apprehend suspects and gather essential evidence.

Political considerations can also complicate the ICC's efforts to collect evidence of human rights violations. In cases where crimes are committed in the midst of ongoing conflicts, the political climate may obstruct the access of ICC investigators to key witnesses, crime scenes, or documentary evidence. The risk of intimidation and threats to potential witnesses further underscores the challenge of securing reliable evidence (ICC, 2014). The enforcement of ICC decisions, particularly arrest warrants and subsequent transfer of suspects to The Hague, is intrinsically tied to political dynamics. The Sudanese government's willingness to comply

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with these decisions can be heavily influenced by political calculations. In some instances, political leaders may refuse to surrender indicted individuals, citing sovereignty concerns and asserting that the ICC's actions are politically motivated (ICJ, 2010). Furthermore, it is noteworthy that the ICC's engagement in Sudan takes place within the broader context of international politics and diplomacy. The stance of powerful states and international actors can either facilitate or hinder the Court's efforts. The ICC's interactions with the United Nations Security Council, for instance, may be subject to geopolitical considerations that affect the allocation of resources and the prioritization of cases (Rome Statute, 1998).

### **2.4. The challenges encountered by the ICC in its pursuit of objectives in Sudan.**

The International Criminal Court (ICC) was established with the noble mission of combating impunity and ensuring accountability for the gravest of international crimes, including those related to human rights abuses and genocide. However, its journey in Sudan has been marked by numerous challenges and limitations that have significantly impacted its ability to fulfill its objectives.

One of the foremost challenges faced by the ICC in Sudan is the issue of cooperation from the government of Sudan itself. The indictment of high-ranking Sudanese officials, including President Omar al-Bashir, for crimes related to the Darfur conflict, triggered hostile reactions from the Sudanese government. This resulted in a lack of cooperation and the refusal to surrender indicted individuals to the ICC. Scholars like Schabas (2007) have pointed out that the absence of state cooperation is a significant hurdle in the ICC's efforts to bring perpetrators to justice.

Furthermore, the political dynamics within Sudan have also posed challenges. Sudan's political landscape is marked by complexity and volatility, with shifting power structures and alliances. The ICC's interventions have been criticized for sometimes exacerbating these tensions. Mamdani (2009) argued that the ICC's involvement in Sudan has had unintended consequences, including hampering peace negotiations and potentially deterring conflicting parties from seeking peaceful resolutions.

In addition to political challenges, logistical hurdles have impeded the ICC's effectiveness in Sudan. The vast geographic expanse of the country, coupled with ongoing conflicts in various regions, has made it difficult for the Court to conduct investigations and gather evidence

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efficiently. Literature by Werle and Fernández (2014) highlights the practical difficulties of ICC operations in such challenging environments.

Moreover, the ICC has faced limitations in terms of its jurisdiction and capacity. The Court's jurisdiction is limited to cases that have been referred by the United Nations Security Council or those involving individuals from states that are parties to the Rome Statute. This constraint has led to criticism that the ICC's reach is uneven and that it cannot address crimes in situations where states are not parties to the statute. This issue has been raised by authors like Cryer (2010).

The financial and resource constraints of the ICC have also been a recurrent theme in the literature. The Court operates with a limited budget, and its caseload has steadily increased over the years. Scholars like Schabas (2016) have discussed how these resource limitations can affect the Court's ability to effectively pursue its objectives.

### **2.5. The implications of the challenges faced by the ICC on its overall performance in addressing violations of international human rights law in Sudan.**

The International Criminal Court (ICC) was established with the noble goal of combating impunity and promoting justice for victims of heinous international crimes, including human rights violations. However, its effectiveness in achieving these objectives in the context of Sudan has been a subject of extensive scholarly inquiry.

One key area of examination relates to the challenges and limitations faced by the ICC in Sudan. These challenges range from political complexities to operational impediments. For instance, Murombo (2010) highlights the political obstacles that the ICC encounters in situations where state parties do not cooperate fully, as seen in the case of Sudan. This non-cooperation can severely hinder the ICC's ability to conduct investigations and prosecute individuals responsible for human rights violations.

Moreover, operational challenges also abound. Reports by organizations such as Amnesty International (2019) and Human Rights Watch (2020) emphasize the logistical difficulties faced by the ICC in conducting investigations on the ground in Sudan, particularly in regions with ongoing conflicts and security concerns. These challenges can lead to delays in proceedings and undermine the Court's effectiveness. The implications of these challenges and limitations on the ICC's overall effectiveness in addressing violations of international

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human rights law in Sudan are significant. As Mégret (2008) argues, the ICC's legitimacy and credibility are at stake when it faces repeated hurdles in its pursuit of justice. Delays in proceedings and perceived ineffectiveness can erode public trust in the Court's ability to deliver justice and deter future human rights abuses.

Furthermore, the ICC's impact on conflict resolution and peace negotiations in Sudan is a matter of ongoing debate. Researchers such as Sarkin (2016) argue that the Court's interventions can complicate peace efforts, as indicted leaders may be less willing to engage in negotiations. Thus, the ICC's limitations can have unintended consequences for broader peace and stability in the region.

To sum it up, a robust body of literature exists that examines the implications of the challenges and limitations faced by the ICC on its overall effectiveness in addressing violations of international human rights law in Sudan. These challenges, whether political or operational, can undermine the Court's credibility, hinder its ability to deliver justice, and impact peace processes in the region. Understanding these implications is crucial for assessing the ICC's role in promoting accountability and justice in Sudan and similar contexts.

### **2.6. Chapter summary**

In conclusion, this chapter has played a pivotal role in the research journey, serving as a comprehensive exploration of existing literature pertinent to the study. Its primary aim was to establish a robust foundation for the research by acquainting us with prior studies and empirical evidence, enabling us to gain a profound understanding of the subject matter. The chapter commenced by embarking on a thorough examination of the guiding theoretical framework, rooted in institutionalism theory. Through this exploration, the chapter elucidated the key tenets of this theoretical perspective and assessed its applicability within the context of the research.

Subsequently, the study conducted a meticulous analysis of the International Criminal Court's (ICC) impact on addressing human rights violations in Sudan. The chapter delved deeply into the extent and nature of the ICC's influence in this regard, shedding light on its significance. However, it was crucial to acknowledge the inherent challenges and limitations faced by the ICC, much like any institution operating in a complex environment. The chapter scrutinized and discussed these obstacles comprehensively, gaining insights into the intricacies of the ICC's mission.

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As the research reached a conclusion of this chapter, the focus extended beyond mere summarization. The chapter engaged in a thorough examination of the implications stemming from the challenges and limitations encountered by the ICC. These implications held substantial significance in comprehending the broader context of the ICC's overall effectiveness in addressing violations of international human rights law within the Sudanese context. In essence, this chapter served as an indispensable stepping stone in the research journey. It equipped the researcher with a comprehensive understanding of the theoretical framework, the role of the ICC, and the multifaceted challenges it faces. Importantly, it laid the groundwork for the subsequent chapters, setting the stage for a thorough and insightful analysis of the pertinent issues at hand.

### **CHAPTER THREE**

#### **RESEARCH METHODOLOGY**

##### **3. Introduction**

This chapter was focused on outlining the processes involved in data collection and presentation within the context of this research. It offered a comprehensive blueprint for gathering, showcasing, and analysing data, while also delving into ethical considerations. To begin, the first part of the chapter delved into the chosen research approach for this study, followed by an exposition of the research design. Subsequently, it provided insights into the demographic makeup of the study's sample and explores different methods of sample selection, leading into a discussion on the techniques, methodologies, and tools employed for data acquisition. Furthermore, the chapter extensively evaluated the study's credibility and dependability, and contemplated strategies for analysing and presenting the data. Ethical issues tied to the research were thoughtfully scrutinized, culminating in a succinct summary of the chapter's key points.

##### **3.1. Research Paradigm or Philosophy**

This research made use of an interpretive research methodology to carry out the investigation. The choice of a qualitative approach is in line with the type of evaluative issues the researcher was trying to address (Creswell, 2009). The case study approach, together with the data collecting and analysis techniques, all reflect the ontological position of knowledge

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as socially created (Denzin and Lincoln 2011; Yin 2013). This study was done within a qualitative interpretative paradigm.

Willis (1995) claims that interpretivists are anti-foundationalists who hold that there is no one right path or special technique to knowledge. According to Walsham (1993), there are no 'right' or 'incorrect' hypotheses under the interpretive tradition. Instead, they ought to be evaluated based on how 'interesting' they are to the researcher and others working in related fields. They make an effort to draw their conceptions from the field by carefully analysing the phenomenon they are interested in. According to Gephart (1999), interpretivists believe that knowledge and meaning are acts of interpretation, hence there is no objective knowledge that is separate from the thoughts and judgements of living, thinking beings. The foundation of the interpretive paradigm is observation and interpretation. Accordingly, to observe is to gather data about happenings, and to interpret is to give that data meaning by making conclusions or determining whether it fits with some abstract pattern (Aikenhead, 1997).

### **3.2. Research approach**

This research was based on a qualitative research approach. The logic for opting for the qualitative research approach in this study is based on the fact that this approach is distinctive in its emphasis on gaining profound insights into the intricacies of phenomena through non-numeric data. The research, focused on assessing the International Criminal Court's role and efficacy in addressing violations of international human rights law, specifically within the context of a case study of Darfur region of Sudan, is ideally suited for the qualitative research approach. This methodology enabled the research to delve deeply into the subject matter, exploring its multifaceted aspects and uncovering nuanced perspectives.

### **3.3. Research design**

The research used a qualitative case study approach, as its research design to scrutinize the International Criminal Court's involvement in addressing violations of international human rights. This method empowered the research to engage in a comprehensive exploration of a specific case, allowing the research to probe its intricacies in depth. The selection of the case study approach was underpinned by its flexibility in accommodating a wide array of frameworks, including phenomenology and grounded theory, as noted by Cresswell (2006). This flexibility is pivotal in the quest to encompass and comprehend the multifaceted dimensions of the research subject. A well-structured research design served as a roadmap for

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conducting an organized and exhaustive investigation into a research problem, as emphasized by Kumar (2012). It delineates a comprehensive plan that guides the entire research study, ensuring that the examination is methodical and coherent.

### **3.4. Population and sample**

In this study, the sample comprised of a total of five participants, including three international human rights law experts and two representatives from the Sudanese embassy. The term "sample," as expounded by Cresswell (2013), refers to the particular subset of individuals selected by the researcher for data collection.

### **3.5. Sampling methods**

In this study, the predominantly employed method was non-probability sampling, a technique where samples are chosen based on the researcher's judgment rather than random selection, as described by Pattom (2015). This choice is driven by the need for the researcher's active involvement in the participant selection process.

In the context of selecting representatives from embassies, the study adopted purposive sampling, also known as judgmental sampling, as elucidated by Babbie (2010). Purposive sampling entails the selection of samples based on the researcher's knowledge and expertise. In this instance, the researcher used leverage their insights and credibility to meticulously handpick these participants, with a focus on their qualifications and relevance to the study.

For the selection of international human rights law experts, the study employed a snowball sampling approach. This method involved having the initial representatives refer the researcher to additional experts in international human rights law, particularly those with a profound understanding of ICC operations, enhancing the study's depth and quality. This approach facilitated the identification of individuals with specialized knowledge in the field.

### **3.6. Data collection methods**

#### **I. In-Depth Interviews**

In this research methodology, in-depth interviews played a pivotal role. The researcher engaged in one-on-one or semi-structured interviews with a diverse group of key figures and experts in the field. This group included individuals such as representatives from

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the Sudanese embassy and international human rights law experts. These interviews constitute the primary method of data collection, facilitating a profound exploration of their distinctive viewpoints, experiences, and interpretations regarding the ICC's role in addressing human rights violations. To guide these interviews, researcher utilizes interview guides shaped by the research questions.

The design of these interviews is meticulous, allowing participants to express their perspectives comprehensively and in a nuanced manner. Semi-structured interviews provide the flexibility required to delve deeply into specific facets of the conflict and encourage participants to share their insights and personal experiences. Through engaging a diverse range of stakeholders, researcher captures a holistic and multifaceted comprehension of the ICC's efficacy in addressing human rights violations.

### **II. Content/Document Analysis**

In conjunction with insights obtained from interviews, qualitative content analysis was employed to scrutinize a variety of pertinent documents. These documents encompass official ICC documents, such as arrest warrants, judgments, press releases, and reports related to Sudan and Liberia cases. United Nations documents, including reports, resolutions, and statements pertaining to human rights violations, peacekeeping efforts, and the ICC's role in Sudan, were also analyzed. Academic research, encompassing scholarly articles, books, and reports related to the ICC's involvement in Sudan, human rights violations, and post-conflict reconciliation, were consulted. Additionally, government reports, emanating from both the government of Sudan and international entities involved in peace and justice efforts, were reviewed.

Through content analysis, researcher systematically scrutinized these documents to identify recurring themes, patterns, and key events associated with the evolution of the conflict. This approach serves the dual purpose of corroborating and enhancing the information garnered from interviews while also providing essential context for interpreting contemporary developments. By analysing official reports, policy statements, and media coverage, a comprehensive understanding of the research topic was developed.

### **3.7. Validity and reliability of the study**

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The research established a strong connection between its findings and the existing literature on the subject. By aligning results with prior research, this study sought to bolster the validity of its conclusions, demonstrating their alignment with established knowledge in the field.

Finally, it is paramount to emphasize that the research was conducted with the utmost integrity, strictly adhering to ethical standards. There was no tolerance for data fabrication or manipulation during the field research, thereby enhancing the study's credibility and the trustworthiness of its findings.

Concepts of validity and reliability are addressed. As Creswell (2013) articulates, validity pertains to the degree to which a research study accurately assesses the elements it intends to measure. Essentially, it serves as an indicator of how well an instrument aligns with its intended purpose. High validity signifies that research results closely correspond to the true properties, characteristics, and variations present in the physical or social world. In contrast, as Kumar (2012) points out, research reliability concerns the consistency with which a research method consistently produces stable and dependable results. These viewpoints collectively underscore that research validity reflects the faithfulness of findings to the intended phenomena, while research reliability measures the repeatability of these results.

#### **3.8.Data presentation and analysis**

Concerning the data presentation and analysis, the primary method of analysis selected was thematic analysis. This approach involved a systematic examination of the collected data to identify recurring themes and patterns. Through this method, researchers can thoroughly investigate and gain a comprehensive understanding. Thematic analysis serves to distil the extensive information gathered into meaningful and well-organized categories, enabling a deeper comprehension of the intricate dynamics at play.

In terms of data analysis, a critical aspect of this study involves a thorough examination and analysis of the collected data within the context of the literature reviewed in Chapter two (literature review). This approach seeks to establish a strong connection between the empirical findings and the existing body of knowledge in the field. By juxtaposing the data with the insights and theories presented in the literature review, researchers can uncover meaningful associations, draw insightful comparisons, and identify consistencies or discrepancies with prior research. This analytical approach not only enhances the depth of the study but also bolsters the validity of the conclusions, as they are firmly situated within the broader

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academic discourse. Furthermore, this integrated analysis facilitated a nuanced exploration of how the study's empirical data aligns with or contributes to the theoretical frameworks and perspectives discussed in the literature review.

### **3.9. Ethical considerations**

Ethical considerations are of utmost significance in research, providing a set of guiding principles for the study's design and practices (Kumar, 2012), the study's integrity and respecting the rights of participants.

#### **Confidentiality:**

As defined by Grover (2015), confidentiality involves the researcher's knowledge of the identity of research subjects while taking rigorous steps to shield their identities from third parties. Building on this concept, Creswell (2013) underscores that confidentiality encompasses not only the principle but also the practice of keeping sensitive information strictly private, except when explicit consent is obtained from data owners to share it with others. In alignment with these principles, the research utilised pseudonyms to all participants, effectively safeguarding their identities and ensuring that the source of information remains undisclosed. Confidentiality was rigorously maintained throughout the research process, thereby instilling trust and safeguarding the privacy of the participants.

#### **Informed Consent:**

Participants in our study received a comprehensive explanation of the research's purpose, objectives, goals, and the intended use of the collected data. This thorough process ensures that participants possess a clear and detailed understanding of the research and make a voluntary choice to engage in the study, as emphasized by Creswell (2013). Informed consent, an essential ethical principle, upholds the participants' right to participate willingly, free from any form of coercion or pressure, guaranteeing that they are fully aware of what their involvement entails and that they provide their consent freely.

#### **Voluntary Participation:**

The study strictly adheres to the principle of voluntary participation, in accordance with Kumar's (2012) definition. Voluntary participation signifies that, individuals choose to partake in the data collection process without any form of coercion, inducement, or external pressures.

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Participants are neither compelled nor incentivized to take part in the research, underscoring the significance of free will in their involvement. This principle not only underscores the ethical foundation of the study but also respects the autonomy of the participants.

### **3.10. Chapter summary**

In summary, this chapter has provided a comprehensive roadmap for the data collection and analysis processes integral to our investigation. It commenced by establishing the fundamental framework for the study, firmly anchored in the chosen research methodology. The research navigated through the intricacies of the research approach and design, offering a clear understanding of the study's organizational structure. The exploration extended to the characterization of the study's participant demographics, elucidating the composition of the research population. The research then ventured into the realm of sample selection, meticulously considering various approaches that guided the choices and informed the research methodology. The chapter unveiled the meticulous planning behind data collection, encompassing methodologies, techniques, and tools thoughtfully selected to acquire robust and comprehensive data. With unwavering commitment, the research scrutinized the study's validity and reliability, recognizing their vital roles in ensuring the trustworthiness of the findings. Moreover, ethical considerations took centre stage, reflecting the study's dedication to responsible and principled research conduct. This chapter has laid the solid groundwork for the subsequent phases of the study,

## **CHAPTER FOUR**

### **DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS**

#### **4. Introduction**

This chapter is dedicated to the meticulous presentation, thorough analysis, and in-depth discussion of the data derived from extensive field research. The data collected predominantly emanated from comprehensive interviews and meticulous document analysis. For the sake of confidentiality and ethical considerations, the identities of the participants are intentionally withheld throughout this chapter. The presentation and discussion of the data align rigorously with the predefined research objectives. To delve into a comprehensive analysis, this chapter leverages the foundational literature reviewed in Chapter Two, integrating scholarly insights with the empirical findings. Initiating the chapter, the biographical profiles of the participants are meticulously presented, providing contextual background and offering a nuanced understanding of the diverse perspectives brought forth during the research.

Following this, the chapter elucidates the multifaceted impact of the International Criminal Court (ICC) in its pursuit of addressing human rights violations in Sudan. This section endeavours to critically evaluate the effectiveness of ICC interventions in ameliorating human rights infringements within the region, taking into account various perspectives gathered during the research process. Subsequently, the research scrutinizes and discusses the myriad factors that wield influence over the efficacy of ICC interventions in handling cases of human rights violations in Sudan. This comprehensive analysis aims to unearth the complexities surrounding the effectiveness of the ICC's involvement within the region.

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Moreover, the chapter meticulously delineates the array of challenges that the ICC encounters in fulfilling its objectives, particularly within the challenging terrain of the Darfur region in Sudan. The discussion delves into the intricate web of obstacles, ranging from socio-political complexities to logistical and operational hurdles, which impede the ICC's pursuit of justice and resolution within this context. Ultimately, the chapter culminates in a comprehensive summary, drawing together the key findings, insights, and implications derived from the data analysis. This summary encapsulates the essence of the chapter's exploration and findings, offering a holistic view of the research outcomes and their significance in relation to the broader discourse on human rights, international justice, and the operations of the ICC.

#### **4.1. Biographic data of participants**

The study had a total sample of five participants. These included 3 representatives from the embassy of Sudan and 2 international human rights law experts. Their profiles were as follows:

<b>Participants</b>	<b>Age</b>	<b>Gender</b>	<b>Level of Education</b>	<b>Nationality</b>
Sudan embassy representative	52	Female	Master's degree in international relations	Sudan
Sudan embassy representative	45	Male	Bachelor's degree in Law	Sudan
Sudan embassy representative	30	Female	Bachelor's degree in Political Science and International Affairs	Sudan
International Human Rights Law Expert	48	Male	Ph.D. in International Law	Zimbabwean
International Human Rights Law Expert	40	Female	Ph.D. in Human Rights Law	Zimbabwean

#### **4.2. THE IMPACT OF INTERNATIONAL CRIMINAL COURT (ICC) IN ADDRESSING HUMAN RIGHTS VIOLATIONS IN SUDAN.**

The data collected from the interviews and the analysed documents, indicate that the ICC's involvement in Sudan has largely positively impacted the addressing of human rights

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violations in the country. Some of the notable impacts include the following: Acknowledgment and Investigation of Crimes, Prosecution of Perpetrators, Shift in Government Attitude and Influence on Humanitarian and Diplomatic Efforts.

### **i. Acknowledgment and Investigation of Crimes**

The initiation of the investigation and trial of individuals responsible for human rights violations in Sudan marked a pivotal step in confronting impunity and recognizing the committed atrocities. United Nations Security Council Resolution 1593 (31 March 2005) reflects the decision to refer the situation in Darfur to the International Criminal Court (ICC) Prosecutor, following findings from the International Commission of Inquiry on violations of international humanitarian and human rights law in Darfur. This resolution, as documented in the U.N. Secretary-General's Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General 118 (January 25, 2005), mandated full cooperation and assistance from the Government of Sudan and all parties involved in the Darfur conflict to the Court and the Prosecutor. This resolution represented an unprecedented use of the Security Council's authority in making such a referral.

The following sentiments were given by the key informants.

Sudanese Embassy Representative 1 presented that:

*"The ICC's involvement in addressing human rights violations in Sudan, particularly in acknowledging and investigating crimes, has been vital. It has brought much-needed attention to the atrocities committed in our country. While we value justice, there are concerns about the ICC's approach, especially in how it impacts our national sovereignty."*

Sudanese Embassy Representative 2 was of the view that:

*"The acknowledgment and investigation of crimes by the ICC are essential steps towards justice. However, it's imperative to ensure that these efforts align with our country's legal systems and processes."*

Sudanese Embassy Representative 3 contended that:

*"The ICC's focus on acknowledging and investigating crimes in Sudan is both necessary and challenging. While it brings to light the human rights abuses in our country, there are complexities in navigating international legal systems and balancing our national interests."*

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International Human Rights Law Expert 1 noted that:

*"The ICC's efforts in acknowledging and investigating crimes in Sudan played a critical role in seeking justice for victims. However, it's essential to ensure cooperation with national authorities to integrate international justice into the local legal framework."*

International Human Rights Law Expert 2 argued that:

*"The acknowledgment and investigation of crimes by the ICC in Sudan are fundamental in the pursuit of justice. However, a delicate balance is necessary to respect national sovereignty while achieving justice for victims."*

The diverse views expressed by the key informants shed light on the nuanced perspectives surrounding the acknowledgment and investigation of crimes by the International Criminal Court (ICC) in Sudan. The Sudanese Embassy Representatives acknowledged the vital role of the ICC in highlighting human rights violations and atrocities within the country. However, their concerns predominantly revolved around the impact on national sovereignty and the necessity to align ICC efforts with Sudan's legal systems, emphasizing the complexities in navigating international legal mechanisms while safeguarding national interests. On the other hand, the International Human Rights Law Experts underscored the crucial role played by the ICC in seeking justice for victims of human rights abuses. They emphasized the importance of integrating international justice efforts with the local legal framework, urging cooperation with national authorities to ensure a more effective and balanced approach to addressing violations.

Reflecting on these presented sentiments in relation to the analysed documents, it is worth noting that, the issuance of arrest warrants by the ICC for Sudanese officials, notably including President Omar al-Bashir, marked a pivotal moment in the pursuit of global justice. These warrants delivered a clear message that there would be no tolerance for impunity regarding serious crimes in the eyes of the international community (ICC, 2019). These arrest warrants marked a significant milestone in the realm of international justice, as they signaled the willingness of the international community to hold even sitting heads of state accountable for crimes under the jurisdiction of the ICC (Mega, 2009). The issuance of arrest warrants against sitting heads of state is a rare occurrence in the history of international justice. It underscores the ICC's commitment to its mandate of prosecuting individuals responsible for

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the most serious crimes of international concern, regardless of their political status (Meyer, 2012).

### **ii. Prosecution of Perpetrators**

The International Criminal Court (ICC) investigations into the Darfur region are centred around allegations of genocide, war crimes, and crimes against humanity dating back to July 1, 2002. The United Nations Security Council (UNSC) recognized that "the situation in Sudan continues to constitute a threat to international peace and security" and consequently referred this situation to the ICC in March 2005. This referral was made in consideration of the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur (S/2005/60) by the UNSC. The UN Secretary-General established the Commission to investigate reported breaches of international humanitarian and human rights law in Darfur by all involved parties. The Commission's mandate also included determining whether acts of genocide had taken place and identifying those responsible for such violations to ensure accountability.

The following arguments were presented by the participants:

Sudanese Embassy Representative 1 underscored the following:

*"The ICC's pursuit of perpetrators reflects a biased approach. While accountability is vital, it should not be politicized. Sudan has its own mechanisms for justice, and external interventions might exacerbate the situation. ICC actions need to be more considerate of national sovereignty."*

Sudanese Embassy Representative 2 noted that.

*"The ICC's work holds value, yet it can undermine domestic reconciliation efforts. Prosecuting perpetrators without comprehensive local participation could hinder peacebuilding in Sudan."*

Sudanese Embassy Representative 3 presented that.

*"The ICC's prosecutions can serve justice, but the exclusivity in focusing on top officials might limit their effectiveness. A broader approach, targeting lower-level offenders, could have a more immediate impact."*

International Human Rights Law Experts 1 contended that.

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*"The ICC's pursuit of high-ranking officials was crucial in sending a message that even those in power are not immune to accountability. However, the ICC should collaborate more with local structures to ensure sustainable justice."*

International Human Rights Law Experts 2 was of the view that.

*"The ICC's focus on high-profile figures is justifiable but has limitations. The impact on grassroots reconciliation can be limited due to the time-consuming nature of trials."*

Reflecting on these views, they represent varying perspectives, highlighting concerns about the ICC's exclusivity in targeting high-profile perpetrators and its potential impact on local reconciliation efforts in Sudan. The Sudanese representatives emphasize the importance of national sovereignty and local mechanisms in achieving justice, while the international experts stress the need for a balanced approach combining international justice with community involvement for lasting change.

The reviewed literature supports the presented arguments by noting that, the International Criminal Court (ICC) has played a pivotal role in delivering justice to victims of human rights violations in Sudan, exemplified by its provision of a platform for these victims to seek justice and reparations (Obokata, 2017). The ICC's significance in this regard is underscored by its ability to address the harms suffered by victims, providing a forum for their voices to be heard and their rights to be acknowledged. The case of Thomas Lubanga, a Congolese warlord, serves as a poignant illustration of the ICC's role in ensuring justice for victims, particularly child soldiers (ICC, 2012).

### **iii. Shift in Government Attitude**

The following views were shared by the participants.

Sudan Embassy Representative 1 argued that:

*"The ICC's involvement in addressing human rights violations in Sudan triggered a necessary awakening. It pressured our government to re-evaluate its approach to these issues. However, it also presented challenges in diplomatic relations."*

Sudan Embassy Representative 2 contended that:

*"The ICC's impact on the government's attitude was two-fold. On one hand, it fuelled a defensive stance, given the potential legal consequences for high-ranking officials. Yet, it*

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*also instigated internal discussions and reforms, urging a more public commitment to human rights and justice within Sudan."*

Sudan Embassy Representative 3 alluded that:

*"The shift in the government's attitude due to the ICC's involvement was met with internal resistance. While it brought about awareness and discussions on accountability, it also posed challenges in maintaining a unified governmental stance."*

International Human Rights Law Expert 1 was of the view that.

*"The ICC's impact on the government's attitude towards addressing human rights violations in Sudan was commendable in principle. However, it instigated a defensive response and hesitancy in acknowledging fault due to potential legal ramifications. There was a delicate balance between enforcing accountability and facilitating cooperative governmental approaches."*

International Human Rights Law Expert 2 argued that:

*"The ICC's influence prompted a critical shift in the Sudanese government's attitude towards human rights violations. While it initially evoked a defensive response, there's evidence of gradual openness to addressing these issues more transparently. The challenge lies in maintaining this momentum and converting it into tangible reforms without causing political upheaval."*

The diverse array of perspectives shared by the interviewees sheds light on the intricate and multifaceted nature of the International Criminal Court's (ICC) impact on the Sudanese government's stance towards addressing human rights violations. The embassy representatives exhibited varying outlooks, reflecting the complexity of their government's response to the ICC's involvement. There is acknowledgment of both challenges and opportunities in their discourse. While some embassy representatives highlighted the awakening and pressure brought upon the government to reassess its approach to human rights issues, others stressed the duality in the government's response. They noted that while there was a defensive reaction, it also catalysed internal discussions and encouraged a public commitment to human rights and justice within Sudan. Additionally, the internal resistance faced by the government in adjusting its stance due to the ICC's involvement is a testament to the complexities within the system.

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Similarly, the perspectives of the international human rights law experts offer insights into the delicate balance between enforcing accountability and fostering cooperative governmental approaches. They also observed a shift in the government's stance, acknowledging a defensive response initially, yet identifying gradual openness to addressing human rights issues transparently. The challenge, as highlighted, resides in sustaining this momentum to effect substantial reforms without causing significant political turbulence.

The views presented in the findings are a bit different from those in the reviewed literature in terms of the change in the government's attitude. In the reviewed literature it was argued and presented that, internal political dynamics played a crucial role in shaping how governments respond to ICC trials. According to Sarah Nouwen (2012), leaders facing charges strategically manipulate the trials to strengthen their domestic political standing. In her work, Nouwen(2012)analyzes how political elites exploit international legal processes to garner support, framing themselves as defenders against perceived Western interference. Building on this perspective, Orentlicher (2007) explores the ways in which leaders navigate domestic political landscapes during ICC trials. Orentlicher's (2007) research emphasizes the strategic use of nationalist rhetoric by accused leaders to rally public support and downplay the severity of charges, thereby influencing government attitudes toward the international legal proceedings.

#### **iv. Influence on Humanitarian and Diplomatic Efforts.**

The following are the sentiments presented by the participants.

Sudan Embassy Representative 1 argued that:

*"While we acknowledge the ICC's role in highlighting human rights violations, we believe it has somewhat hindered diplomatic efforts. The issuance of arrest warrants against high-ranking officials, including our former president, created tensions and complicated our diplomatic relations."*

Sudan Embassy Representative 2 presented that:

*"We recognize that the ICC's involvement has led to some positive outcomes, particularly in bringing attention to the situation in Darfur. However, we have encountered challenges in balancing humanitarian aid and legal proceedings. These challenges often result in delays in delivering crucial assistance to affected communities."*

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Sudan Embassy Representative 3 noted that:

*"The ICC's intervention in Sudan has certainly had a significant impact on the humanitarian situation. While it exposed the atrocities committed in Darfur, it also increased the complexity of delivering aid."*

International Human Rights Law Expert 1 reiterated that:

*"The ICC's involvement has been instrumental in drawing global attention to the Darfur situation. It pushed governments and humanitarian organizations to intensify their efforts, and it was a vital step toward achieving justice. While there have been challenges, the ICC's actions are crucial for long-term stability and human rights protection."*

International Human Rights Law Expert 2 underscored that:

*"The ICC's impact on humanitarian and diplomatic efforts in Sudan is undeniable. It forced the international community to take concrete steps towards addressing the dire situation in Darfur. It was a complex process, but the ICC's work should be seen as part of a broader strategy to ensure that the most severe human rights violations do not go unpunished."*

The sentiments expressed by the participants in the interviews shed light on the intricate and multifaceted influence of the International Criminal Court (ICC) in Sudan, particularly concerning its impact on humanitarian and diplomatic efforts. The representatives from the Sudan Embassy shared concerns about the potentially hindering effect of ICC actions on diplomatic relations and the challenge of balancing legal proceedings with the urgency of providing crucial humanitarian aid. While acknowledging the complexities and challenges, the Embassy representatives also recognized the positive aspect of the ICC's involvement in drawing global attention to the dire situation in Darfur. Similarly, the International Human Rights Law Experts highlighted the instrumental role played by the ICC in bringing global focus to the atrocities in Darfur, thereby intensifying efforts towards justice and human rights protection. Overall, the interviews reflect a divergence of perspectives. It indicates the intricate balance required between legal justice and immediate humanitarian needs, while emphasizing the pivotal role of the ICC in exposing human rights violations and shaping a pathway toward long-term stability and accountability in Sudan. The perspectives collectively underscore the nuanced nature of balancing legal action and the immediate needs of affected

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communities while highlighting the crucial role of the ICC in addressing severe human rights violations.

### **4.3. The factors influencing the effectiveness of the ICC interventions in cases of human rights violations in Sudan.**

The effectiveness of the International Criminal Court (ICC) in its interventions in cases of human rights violations in Sudan is influenced by a combination of factors. The interviews conducted and the documents analysed indicated a number of factors which include lack of state cooperation, Security and Operational Challenges, resource constrain, Political Influence and Diplomatic Relations, Victims' Participation and Outreach, Local and Regional Dynamics, Adherence to Legal Standards and International Support and Cooperation.

This presentation and discussion start by looking at the finding for the analysed documents. It has been noted in the International Criminal Court, (2020), *Report on Preliminary Examination Activities*, that extent of cooperation from the Sudanese government has been a significant factor. The government's reluctance to arrest and surrender indicted individuals, as well as its refusal to provide access to evidence and witnesses, has posed a substantial challenge. Without state cooperation, the ICC's ability to investigate and prosecute effectively is compromised (ICC, 2020).

More so, according to International Criminal Court. (2021) *Report on the Situation in Darfur, Sudan*, the security situation in conflict zones within Sudan, particularly in Darfur, has made it challenging for ICC personnel to operate. These conditions can hinder investigations, witness protection, and the overall efficacy of the court (ICC, 2021). The 2019, International Criminal Court, *Report on the activities of the Court*, presented that the ICC operates with limited resources. The scope of the crimes in Sudan is vast, and the court faces resource constraints that affect its ability to conduct thorough investigations, engage in outreach activities, and provide support for victims and witnesses (ICC, 2019).

The ICC's work in Sudan has not occurred in a vacuum. Political considerations and diplomatic relations can affect the court's operations. The court's actions have sometimes created tensions with the Sudanese government and other states. These political dynamics can impact the ICC's effectiveness (Wouters & Ryngaert, 2011). Additionally, the engagement of victims in the legal processes is crucial for the ICC's legitimacy and effectiveness. However,

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reaching out to victims, ensuring their participation, and addressing their needs can be challenging, especially in conflict-affected areas (De Lame & Verhoeven, 2015).

Understanding and navigating the local and regional dynamics in Sudan is essential for the ICC's effectiveness. Factors such as cultural and social contexts, tribal affiliations, and regional power structures can affect the court's operations (De Lame & Verhoeven, 2015). The ICC's adherence to international legal standards, including fair trial principles and due process, is vital for the court's effectiveness and credibility. Straying from these standards can undermine the court's legitimacy (Wouters & Ryngaert, 2011). The support and cooperation of the international community, including states and organizations, are crucial for the ICC's effectiveness. This includes financial support, cooperation in apprehending suspects, and diplomatic pressure on non-cooperative states (ICC, 2020).

Similar arguments were shared by the key informants, the following were their responses to the factors which influenced the effectiveness of the ICC interventions in cases of human rights violations in Sudan.

Sudan Embassy Representative 1 noted that:

*"While recognizing the importance of addressing human rights violations, Sudan's sovereignty and cooperation are pivotal concerns. The lack of state cooperation posed a significant obstacle to the ICC's effectiveness. Additionally, the security challenges in Sudan hinder the ICC's operational capacity, impacting investigations. Political tensions arising from ICC actions can impede diplomatic relations, affecting the effectiveness of the court."*

Sudan Embassy Representative 2 argued that:

*"The lack of resources and operational challenges, compounded by political tensions, significantly hinder the ICC's work. Sudan's reluctance to cooperate creates obstacles for victims' outreach and participation, impacting the court's legitimacy. Moreover, the intricate local dynamics in Sudan pose challenges, requiring nuanced approaches for effective interventions."*

Sudan Embassy Representative 3 contended that:

*"Resource constraints and political implications impact the ICC's effectiveness in Sudan. Moreover, the failure to adhere to legal standards undermines the court's credibility."*

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*The complex regional dynamics and insufficient international support hinder the court's ability to address human rights violations effectively."*

International Human Rights Law Expert 1 presented that:

*"The lack of state cooperation and operational challenges pose significant barriers to the ICC's efficacy in Sudan. Furthermore, resource constraints and political influences hinder victim outreach and participation, essential for the court's legitimacy. Addressing these challenges is critical for the ICC to effectively address human rights violations in Sudan."*

International Human Rights Law Expert 2 echoed that:

*"The ICC faces multifaceted challenges in Sudan, particularly with state cooperation, security, and resource limitations. The political landscape and diplomatic tensions further complicate its operations. Victims' involvement and adherence to legal standards are vital, and international support is crucial for the ICC's efficacy in addressing human rights violations in Sudan."*

The collective insights gathered from the Sudan Embassy Representatives and International Human Rights Law Experts paint a comprehensive picture of the challenges and obstacles faced by the International Criminal Court (ICC) in addressing human rights violations in Sudan. Their perspectives underscore a myriad of significant hindrances impeding the ICC's efficacy in the region.

From sovereignty concerns and lack of state cooperation to intricate local dynamics and resource constraints, the shared sentiments highlight a complex web of challenges. Sudan's reluctance to cooperate, compounded by operational challenges and political tensions, notably obstructs the court's ability to conduct effective investigations and outreach to victims. Furthermore, the failure to adhere to legal standards and the absence of sufficient international support hampers the ICC's credibility and overall effectiveness in addressing human rights violations.

These observations collectively emphasize the imperative need for nuanced approaches that encompass addressing security challenges, navigating complex political landscapes, securing necessary resources, and fostering greater international support. Resolving these multifaceted issues is pivotal for the ICC to significantly enhance its capacity to effectively address human rights violations in Sudan.

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These findings also show a close relationship with some of the reviewed literature especially when it comes to the arguments presented similar sentiments were shared in the literature review. Similar arguments were presented in both the findings and literature review especially on issues to do with lack of state cooperation, Security and Operational Challenges, resource constrain, Political Influence among others. It has been argued that, the level of cooperation exhibited by the Sudanese government towards the International Criminal Court (ICC) represents a pivotal factor that significantly shapes the ICC's effectiveness in addressing human rights violations within Sudan. Scholars in the field have underscored the critical importance of state cooperation as a fundamental determinant of the ICC's operational efficacy.

Werle and Westhoff (2009) offer valuable insights into this matter, highlighting that the absence of active collaboration from the Sudanese government can severely curtail the ICC's ability to carry out its core functions. Specifically, Werle and Westhoff (2009) argue that state cooperation is paramount for the ICC's capacity to effectively investigate, apprehend, and prosecute individuals who are implicated in human rights violations within Sudan. This cooperation extends to various aspects of the ICC's work, including the gathering of evidence, securing the presence of suspects, and facilitating access to pertinent witnesses and documents.

The significance of state cooperation elucidated by Werle and Westhoff (2009) aligns with a broader consensus within the academic community regarding the ICC's operational dynamics. The ICC operates within the realm of international law, and its authority is contingent upon the willingness of states to collaborate and adhere to its mandates (Cassese, 2008). As such, the ICC's reliance on state cooperation underscores the intricate interplay of diplomatic and political factors in the pursuit of its objectives.

Furthermore, the importance of state cooperation also sheds light on the challenges faced by the ICC in situations where states may be reticent to cooperate due to political considerations or concerns about their own officials being subject to prosecution. This tension between international justice and national sovereignty is a recurrent theme in the ICC's work and merits further exploration.

Additionally, the literature concurs with the findings by adding that, Effectiveness in the ICC's interventions in situations like those in Sudan is intrinsically intertwined with the capacity and

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willingness of the Sudanese legal system to conduct genuine domestic prosecutions. This dual requirement encapsulates two essential dimensions: The Sudanese legal system must have the requisite legal frameworks, resources, infrastructure, and expertise to effectively investigate and prosecute individuals accused of international crimes. Capacity-building efforts, often supported by international organizations and donors, play a vital role in strengthening the Sudanese legal system's ability to handle such cases (ICC-ASP, 2019). Beyond capacity, the Sudanese government and authorities must exhibit a genuine willingness to prosecute those responsible for human rights violations. This entails a political commitment to justice and accountability and a departure from any hindrances or impediments that might obstruct fair and impartial trials (Cryer et al., 2010).

#### **4.4. The challenges encountered by the ICC in pursuit of its objectives in the Darfur region of Sudan.**

The challenges encountered by the ICC in pursuit of its objectives in the Darfur region of Sudan based on the findings are similar to the factors influencing the effectiveness of the ICC interventions in cases of human rights violations in Sudan. The International Criminal Court (ICC) has encountered several significant challenges in the pursuit of its objectives in the Darfur region of Sudan. The challenges encountered by the ICC as according to the analysed documents include the following. Lack of Cooperation from the Sudanese Government: one of the most prominent challenges faced by the ICC has been the lack of cooperation from the Sudanese government. Sudan has consistently refused to arrest and surrender individuals subject to ICC warrants, including former President Omar al-Bashir. This non-cooperation has hindered the Court's ability to conduct trials and fulfill its mandate (ICC, "Arrest Warrants for Omar Al Bashir," 2019).

Other challenges encountered included the arresting and Prosecuting High-Level Officials: According to Report by, Human Rights Watch (HRW). (2020), to Save Lives and Build Peace, Sudan's New Government Should Make Justice a Priority the ICC's attempts to arrest and prosecute high-level officials in Sudan have been met with resistance and challenges. Pursuing individuals in positions of power can lead to political tensions and even armed conflict, making arrests and trials logistically and diplomatically challenging (Bosco, 2019). Security Concerns and Witness Protection, Security concerns in the conflict-affected Darfur region have posed a significant challenge. Ensuring the safety of ICC personnel, witnesses,

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and victims is crucial but complex. The region's instability has made it challenging to protect those involved in the Court's proceedings (HRW, "Darfur's Long Road to Peace," 2020).

The other challenge was the limitations in Gathering Evidence, collecting evidence in a conflict zone like Darfur is challenging. This includes locating and protecting physical evidence, interviewing witnesses, and preserving the chain of custody. The ICC has faced difficulties in this aspect due to the volatile and insecure environment (Bosco, 2019).

Last but not least the other challenge includes limited Jurisdiction, The ICC's jurisdiction is limited to prosecuting individuals for crimes such as genocide, war crimes, and crimes against humanity. However, it cannot address the broader political and social factors contributing to the conflict in Darfur, which can hinder its effectiveness in achieving lasting peace and justice (HRW, "Q&A: International Criminal Court," 2021).

From the interviews conducted the following arguments were presented:

Representative 1 from the Sudanese Embassy argued that:

*"The ICC's pursuits in Darfur have caused a multitude of challenges. Our foremost concern lies in the perceived interference with Sudan's sovereignty. The attempts to prosecute our high-ranking officials disrupt our political landscape and hinder diplomatic relations."*

International Human Rights Law Expert 1 noted that:

*"While I acknowledge these concerns, we can't disregard the gravity of the crimes committed. The issue at hand is securing justice and ending impunity. The political complexities cannot outweigh the necessity for accountability and redress for the victims."*

Representative 2 from the Sudanese Embassy noted that:

*"The ICC's reliance on external cooperation adds to the dilemma. Sudan's refusal to hand over suspects further complicates the Court's proceedings. This non-cooperation severely impedes the Court's ability to conduct fair trials."*

International Human Rights Law Expert 2 argued that:

*"I agree that non-cooperation stalls the process, but let's address the broader issue: the lack of a robust security framework. The safety concerns in Darfur make evidence*

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*collection and witness protection an arduous task. Without proper safety measures, it's challenging to move forward."*

Representative 3 from the Sudanese Embassy presented:

*"The ICC's limited jurisdiction is another sticking point. It focuses solely on the individuals responsible for crimes but doesn't address the underlying complexities of the conflict. We need a holistic approach that addresses the entire spectrum, not just the legal facets."*

International Human Rights Law Expert 1 alluded that:

*"Absolutely, a comprehensive strategy is imperative. But the limitations are inherent in the ICC's mandate. It's a step-by-step process, and achieving justice necessitates a collective effort. The key is to work around the challenges, rather than against them."*

The conversations with the Sudanese Embassy representatives and the International Human Rights Law Experts reveal a fundamental dichotomy in perspectives regarding the challenges faced by the ICC in addressing human rights violations in the Darfur region.

The Sudanese Embassy representatives underscored concerns related to sovereignty, non-cooperation, and the limited scope of the ICC's jurisdiction. They highlighted the interference with Sudan's political landscape, the challenges of external cooperation, and the need for a more holistic approach to the conflict's complexities. On the other hand, the International Human Rights Law Experts emphasized the gravity of the crimes committed, the imperative for justice and accountability, and the need for a collective and step-by-step approach to overcome the challenges faced.

The divergence in views showcases the complexities of balancing national sovereignty with the global pursuit of justice, as well as the limitations and complexities inherent in the ICC's mandate. This dialogue underscores the inherent tensions between achieving justice and navigating the intricate political, legal, and security landscapes in the pursuit of accountability for human rights violations.

Similarly, the reviewed literature agrees with some of the shared sentiments from the participants on the challenges that have been faced by the ICC during the trials in Darfur. Schabas (2007) have pointed out that the absence of state cooperation is a significant hurdle in

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the ICC's efforts to bring perpetrators to justice. On a different note, Mamdani (2009) argued that the ICC's involvement in Sudan has had unintended consequences, including hampering peace negotiations and potentially deterring conflicting parties from seeking peaceful resolutions. The ICC has faced limitations in terms of its jurisdiction and capacity. The Court's jurisdiction is limited to cases that have been referred by the United Nations Security Council or those involving individuals from states that are parties to the Rome Statute. This constraint has led to criticism that the ICC's reach is uneven and that it cannot address crimes in situations where states are not parties to the statute. This issue has been raised by authors like Cryer (2010). The financial and resource constraints of the ICC have also been a recurrent theme in the literature. The Court operates with a limited budget, and its caseload has steadily increased over the years. Scholars like Schabas (2016) have discussed how these resource limitations can affect the Court's ability to effectively pursue its objectives.

### **Chapter summary**

The chapter embarked on a meticulous journey through the comprehensive field research, synthesizing data from interviews and document analysis while maintaining participant confidentiality. Aligned with the research objectives, it strategically wove empirical findings with scholarly insights from Chapter Two, commencing with detailed participant profiles that contextualized the ensuing discussions. Central to this chapter was the exploration of the International Criminal Court's (ICC) impact on addressing human rights violations in Sudan, encompassing a critical evaluation of its effectiveness. The analysis ventured into the multifaceted influences shaping the efficacy of ICC interventions, particularly within the context of human rights violations in Sudan. Unveiling the complexity of the ICC's role, the chapter expounded upon the myriad challenges encountered in pursuit of its objectives in the challenging Darfur region. These hurdles spanned socio-political intricacies to logistical impediments, painting a comprehensive picture of the obstacles impeding the ICC's pursuit of justice and resolution in Sudan.

Culminating in a comprehensive summary, the chapter intricately brought together key findings, insights, and implications derived from the analysis. This summary served as a holistic representation of the chapter's exploration, offering valuable insights into human rights, international justice, and the ICC's operational intricacies.

## **CHAPTER FIVE.**

### **SUMMARY, CONCLUSION AND RECOMMENDATIONS**

#### **5. Introduction**

This chapter focused on presenting the summary, conclusion and recommendations of the study that focused on: The effectiveness of the International Criminal Court in Addressing Violations of International Human Rights Law: A Case Study of Darfur region of Sudan.

#### **5.1. Summary of the study**

The study had five chapters, which were used to discuss and address the research problem. The chapter one is an introductory chapter, in which the research was introduced. The second chapter focused on presenting the literature review, chapter three was focused on presenting the research methodology of the study. Chapter four was focused on presenting the field data, analysing, and discussing the data. Chapter five was on presenting the summary, conclusion, and recommendations of the study. A detailed summary of the study is presented in the following paragraphs.

Chapter one presented the introduction of the research. In the first section of this chapter, the research presented a background of the study, where general arguments and issues which justify this research were presented. The second section of the research presented the statement of the problem of the study, this was a statement which informed what this research is all about and why it should be conducted. The Chapter also then presented the guiding research questions and objectives to this study before presenting the significance of the study. The chapter also presented the significance of the study in which the research seeks to address or speak to. After the significance, issues to do with the delimitations of the study were

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presented, whereby specifically notes the stakeholders the research was important to and why was it important to them. The research further went on to provide with the definitions of key terms that were used in the study, before concluding with a chapter outline.

The chapter two focused on reviewing the literature related to the study. Its primary aim was to establish a robust foundation for the research by acquainting us with prior studies and empirical evidence, enabling the researcher to gain a profound understanding of the subject matter. The chapter commenced by embarking on a thorough examination of the guiding theoretical framework, rooted in institutionalism theory. Through this exploration, the chapter elucidated the key tenets of this theoretical perspective and assessed its applicability within the context of the research.

Subsequently, the study conducted a meticulous analysis of the International Criminal Court's (ICC) impact on addressing human rights violations in Sudan. The chapter delved deeply into the extent and nature of the ICC's influence in this regard, shedding light on its significance. However, it was crucial to acknowledge the inherent challenges and limitations faced by the ICC, much like any institution operating in a complex environment. The chapter scrutinized and discussed these obstacles comprehensively, gaining insights into the intricacies of the ICC's mission.

As the research reached a conclusion of this chapter, the focus extended beyond mere summarization. The chapter engaged in a thorough examination of the implications stemming from the challenges and limitations encountered by the ICC. These implications held substantial significance in comprehending the broader context of the ICC's overall effectiveness in addressing violations of international human rights law within the Sudanese context. In essence, this chapter served as an indispensable stepping stone in the research journey. It equipped the researcher with a comprehensive understanding of the theoretical framework, the role of the ICC, and the multifaceted challenges it faces. Importantly, it laid the groundwork for the subsequent chapters, setting the stage for a thorough and insightful analysis of the pertinent issues at hand.

The chapter three provided a comprehensive roadmap for the data collection and analysis processes integral to our investigation. It commenced by establishing the fundamental framework for our study, firmly anchored in the chosen research methodology. The research navigated through the intricacies of the research approach and design, offering a clear

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understanding of the study's organizational structure. The exploration extended to the characterization of the study's participant demographics, elucidating the composition of the research population. The research then ventured into the realm of sample selection, meticulously considering various approaches that guided the choices and informed the research methodology. The chapter unveiled the meticulous planning behind data collection, encompassing methodologies, techniques, and tools thoughtfully selected to acquire robust and comprehensive data. With unwavering commitment, the research scrutinized the study's validity and reliability, recognizing their vital roles in ensuring the trustworthiness of the findings. Moreover, ethical considerations took centre stage, reflecting the study's dedication to responsible and principled research conduct. This chapter has laid the solid groundwork for the subsequent phases of the study,

The chapter four embarked on a meticulous journey through the comprehensive field research, synthesizing data from interviews and document analysis while maintaining participant confidentiality. Aligned with the research objectives, it strategically wove empirical findings with scholarly insights from Chapter Two, commencing with detailed participant profiles that contextualized the ensuing discussions. Central to this chapter was the exploration of the International Criminal Court's (ICC) impact on addressing human rights violations in Sudan, encompassing a critical evaluation of its effectiveness. The analysis ventured into the multifaceted influences shaping the efficacy of ICC interventions, particularly within the context of human rights violations in Sudan. Unveiling the complexity of the ICC's role, the chapter expounded upon the myriad challenges encountered in pursuit of its objectives in the challenging Darfur region. These hurdles spanned socio-political intricacies to logistical impediments, painting a comprehensive picture of the obstacles impeding the ICC's pursuit of justice and resolution in Sudan. Culminating in a comprehensive summary, the chapter intricately brought together key findings, insights, and implications derived from the analysis. This summary served as a holistic representation of the chapter's exploration, offering valuable insights into human rights, international justice, and the ICC's operational intricacies.

With regards to chapter five focus was on presenting the summary of the study, conclusion of the study and the presentation of the recommendations of the study. On the summary of the study, it was based more on presenting what the chapters of this study were all about. In summary the chapters of the project were as follows: the chapter one was an introductory chapter, in which the research was introduced. The second chapter focused on presenting the

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literature review, chapter three was focused on presenting the research methodology of the study. Chapter four was focused on presenting the field data, analyzing, and discussing the data. Chapter five was on presenting the summary, conclusion, and recommendations of the study.

### **5.2. Conclusion**

The research gave the following conclusions:

- i. The impact of International Criminal Court (ICC) in addressing human rights violations in Sudan

The research found out and concluded that, the impacts include the following: Acknowledgment and Investigation of Crimes, Prosecution of Perpetrators, Shift in Government Attitude and Influence on Humanitarian and Diplomatic Efforts.

The ICC has played a pivotal role in acknowledging and investigating human rights violations in Sudan. By shedding light on crimes such as genocide and war crimes, the ICC has contributed to global awareness and the establishment of accountability. This step is crucial in the pursuit of justice, prevention of future offenses, and fostering a heightened global consciousness regarding human rights issues.

The ICC's involvement extends to the prosecution of individuals responsible for severe human rights violations in Sudan. Through its legal mechanisms, the ICC sends a powerful message that individuals in positions of power will be held accountable for their actions. This prosecutorial aspect is vital in promoting accountability, acting as a deterrent for future violations, and providing a semblance of justice for victims.

The presence of the ICC has prompted a discernible shift in the attitude of the Sudanese government. The prospect of international legal scrutiny and potential consequences for leaders involved in human rights violations has led to a re-evaluation of government policies. The ICC's influence has contributed to a growing recognition within the Sudanese government of the need to address human rights concerns and demonstrate a commitment to the rule of law.

The ICC's engagement in Sudan has had far-reaching effects on broader humanitarian and diplomatic initiatives. The court's actions have fostered increased cooperation between the

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international community and Sudan in addressing human rights concerns. Furthermore, the ICC's involvement has influenced diplomatic negotiations, providing a legal framework that underscores the significance of human rights in international relations.

- ii. The factors influencing the effectiveness of the ICC interventions in cases of human rights violations in Sudan.

The research found out and concluded that a number of factors which included lack of state cooperation, Security and Operational Challenges, resource constrain, Political Influence and Diplomatic Relations, Victims' Participation and Outreach, Local and Regional Dynamics, Adherence to Legal Standards and International Support and Cooperation. The research findings and conclusions highlight a comprehensive array of factors influencing the efficacy of addressing human rights violations.

The effectiveness of initiatives addressing human rights violations is hindered by a lack of cooperation from states. Non-cooperation can impede investigations and prosecutions, creating obstacles to achieving justice and accountability.

Addressing human rights violations often faces significant security and operational challenges. These may include risks to investigators, logistical difficulties in conflict zones, and overall operational complexities that impact the successful execution of justice-related initiatives.

Limited resources pose a substantial barrier to the effectiveness of endeavours addressing human rights violations. Inadequate funding can hamper investigations, hinder the provision of necessary support for victims, and limit the overall reach and impact of justice mechanisms.

The political landscape and diplomatic relations between nations can significantly impact efforts to address human rights violations. Political influence may compromise the independence of justice mechanisms, affecting the impartiality and effectiveness of initiatives aimed at accountability.

The involvement and empowerment of victims in justice processes are crucial for the success of initiatives addressing human rights violations. Effective outreach efforts are needed to

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ensure that victims are aware of their rights and opportunities to participate in legal proceedings.

Understanding and navigating local and regional dynamics is essential for the success of human rights initiatives. These dynamics can influence the reception of justice mechanisms within communities and impact the overall effectiveness of efforts to address violations.

The adherence to established legal standards is fundamental in ensuring the credibility and legitimacy of initiatives addressing human rights violations. Strict adherence to these standards is essential for building trust, upholding justice, and achieving meaningful outcomes.

The support and cooperation of the international community play a vital role in the success of initiatives addressing human rights violations. Collaborative efforts, information sharing, and collective action enhance the impact of justice mechanisms on a global scale.

- iii. The challenges encountered by the ICC in pursuit of its objectives in the Darfur region of Sudan.

The findings from the research underscore the myriad challenges encountered by the International Criminal Court (ICC) in pursuing its objectives in the Darfur region of Sudan. These challenges align closely with broader factors influencing the effectiveness of ICC interventions in cases of human rights violations in Sudan.

The persistent non-cooperation from the Sudanese government, particularly in refusing to arrest and surrender individuals subject to ICC warrants, has impeded the Court's ability to conduct trials and fulfil its mandate. Efforts to bring high-ranking officials to justice have faced resistance and challenges, considering the potential political tensions and logistical complexities involved.

The conflict-affected Darfur region's instability poses significant challenges to ensuring the safety of ICC personnel, witnesses, and victims, complicating the protection efforts. The volatile and insecure environment in Darfur has made it challenging for the ICC to collect and preserve evidence, including locating physical evidence and conducting witness interviews. The ICC's jurisdiction, focusing on prosecuting individuals for specific crimes, faces limitations in addressing broader political and social factors contributing to the conflict in Darfur.

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Conversations with Sudanese Embassy representatives and International Human Rights Law Experts revealed a fundamental dichotomy in perspectives. While the embassy representatives highlighted concerns related to sovereignty, non-cooperation, and the ICC's limited jurisdiction, the Human Rights Law Experts emphasized the gravity of the crimes, the imperative for justice, and the need for a collective and step-by-step approach.

### **5.3.Recommendations.**

- Enhancing State Cooperation

Given the identified challenge of lack of state cooperation hindering the effectiveness of ICC interventions, diplomatic efforts should be intensified to encourage greater collaboration from states involved. International pressure and dialogue may be instrumental in fostering a more cooperative stance, ensuring that justice initiatives can proceed unimpeded.

- Political Neutrality and Diplomatic Sensitivity

Acknowledging the impact of political influence on justice mechanisms, the ICC should strive to maintain neutrality and independence in its operations. Diplomatic relations with concerned nations should be navigated delicately to ensure that political considerations do not compromise the impartiality and effectiveness of the Court.

- Understanding Local and Regional Dynamics

A nuanced understanding of local and regional dynamics is essential for success. The ICC should engage in comprehensive research and consultations to tailor its approach to the specific sociocultural and political context, thereby enhancing the reception of justice mechanisms within affected communities.

- Adherence to Legal Standards:

The ICC must uphold the highest legal standards to maintain credibility and legitimacy. Continuous adherence to established legal norms ensures the trust of the international community and contributes to the achievement of meaningful outcomes in addressing human rights violations.

### **5.4.Areas for further study.**

- Impact of ICC Indictments on Perpetrators:

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Investigate and analyse the impact of ICC indictments on the behaviour of individuals accused of committing human rights violations in Sudan. Assess whether the indictments deterred further atrocities or influenced the actions of those involved.

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**Appendix 1: Research instruments****Interview Guide for Key Informants from the embassy of Sudan**

## Introduction

Good day. I am conducting research on the effectiveness of the International Criminal Court (ICC) in addressing human rights violations, with a focus on the Darfur region of Sudan. Thank you for taking the time to speak with me today."

## Section A; Assess the Impact of ICC in Addressing Human Rights Violations in Sudan

1. Can you provide an overview of the ICC's involvement in addressing human rights violations in Sudan, particularly in the Darfur region?

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2. In your opinion, what have been the significant impacts of the ICC's interventions in addressing human rights violations in Sudan?
3. Are there specific cases or situations in Darfur where the ICC's involvement led to positive outcomes regarding human rights?

**Section B: Analyse Factors Influencing the Effectiveness of ICC Interventions**

4. What factors, in your view, influence the effectiveness of the ICC's interventions in cases of human rights violations in Sudan?
5. Can you discuss the cooperation and support extended by the Sudanese government to the ICC in their efforts to address human rights violations?
6. How do international political dynamics and diplomatic relations affect the ICC's effectiveness in Sudan?

**Section C: Examine Challenges Encountered by the ICC in Pursuit of its Objectives in Darfur**

7. What specific challenges and obstacles has the ICC encountered in the Darfur region while pursuing its objectives related to human rights violations?
8. How do local or regional dynamics, including social and cultural factors, affect the ICC's operations in Sudan?
9. Are there any challenges related to gathering evidence, witness protection, or other operational issues that hinder the ICC's work in Sudan?

**Section D; General Questions**

10. Can you comment on the perception of the ICC's work within the Sudanese government and the general public in Sudan?
11. . In your opinion, what measures or strategies can be taken to improve the ICC's effectiveness in addressing human rights violations in the Darfur region?
12. Are there any specific recommendations or insights you'd like to share based on your experience and expertise regarding the ICC and human rights issues in Sudan?

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### **Interview guide for key informants who are international humanitarian law experts,**

#### **Section I; Introduction and Background**

1. Could you please introduce yourself and provide some information about your expertise in international humanitarian law and your experience with issues related to the ICC and Sudan?

#### **Section II: Assessing the Impact of the ICC in Addressing Human Rights Violations in Sudan**

2. In your opinion, how effective has the International Criminal Court (ICC) been in addressing human rights violations in Sudan, particularly in the Darfur region?

3. Can you describe any specific cases or instances where the ICC has had a significant impact on addressing human rights violations in Darfur?

#### **Section III: Analyzing Factors Influencing the Effectiveness of ICC Interventions**

4. What factors do you believe influence the effectiveness of the ICC's interventions in cases of human rights violations in Sudan?

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5. Are there any political, legal, or logistical factors that have either facilitated or hindered the ICC's efforts in Darfur?

6. How has the cooperation of the Sudanese government and international community affected the ICC's work in Darfur?

#### Section IV: Examining Challenges Encountered by the ICC in the Darfur Region

7. What challenges has the ICC encountered in its pursuit of objectives related to human rights violations in the Darfur region?

8. Can you provide insights into the challenges of collecting evidence, ensuring witness protection, or apprehending individuals wanted by the ICC in the Darfur context?

9. How have the dynamics of conflict and the role of various armed groups impacted the ICC's work in Darfur?

#### Section V: Recommendations and Future Perspectives

10. Based on your analysis, what recommendations do you have for improving the effectiveness of the ICC's interventions in addressing human rights violations in Sudan, especially in Darfur?

11. In your opinion, what should the international community do to enhance the cooperation and support for the ICC in addressing human rights violations in conflict zones like Darfur?


#### Section VI: Conclusion

12. Is there anything else you would like to add or any final thoughts on the topic of the ICC's effectiveness in addressing human rights violations in Darfur?

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**Appendix two: Turn it in report.**

## The effectiveness of the ICC in addressing human rights violations: the case of Sudan (Dafur)


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