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Examining the efforts of the International Criminal Court in prosecuting alleged International criminals.

By

Shingai Mandoza (B251708A)

Supervisor: Dr D.N. Mahuku

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ABSTRACT

This study examines the efforts of the International Criminal Court (ICC) to investigate and prosecute individuals accused of international crimes, with particular focus on the Court's legal framework, prosecution procedures, and the challenges affecting its effectiveness. The study adopted an interpretivist research philosophy and a qualitative research approach. It employed a comparative analysis of the ICC's prosecution efforts in Sudan and the Democratic Republic of the Congo (DRC). Data was collected through documentary research, including an analysis of the Rome Statute, ICC case documents, official reports, journal articles, books, and expert opinion interviews. Purposive sampling was used to select interviewees with knowledge of the subject area. The findings establish that the ICC has developed a strong legal and institutional framework for addressing genocide, crimes against humanity, war crimes, and the crime of aggression. However, the practical implementation of this framework remains limited by the Court's dependence on state cooperation and its inability to independently enforce arrest warrants. In the Darfur situation, Sudanese authorities have not surrendered Omar Hassan Ahmad Al Bashir, Ahmad Muhammad Harun, or Abdel Raheem Muhammad Hussein, whose ICC arrest warrants remain outstanding. In the DRC situation, Sylvestre Mudacumura remains at large following the issuance of an ICC arrest warrant in 2012, preventing his case from proceeding to trial. These cases demonstrate how the absence of effective arrest and surrender mechanisms can delay or prevent the prosecution of individuals accused of serious international crimes. Difficulties in accessing evidence also affect the progress of investigations. Such evidence includes witness testimony, official government records, military documents, satellite imagery, and other material needed to establish the circumstances of alleged crimes and the responsibility of suspects. Witness protection presents an additional challenge, particularly in cases involving alleged killings, rape, persecution, torture, and attacks against civilian populations. Witnesses may face intimidation, threats, retaliation, or displacement, making it difficult to obtain reliable testimony and ensure their continued participation in proceedings. The Court also faces financial and institutional resource constraints that affect its investigative capacity, staffing, and ability to conduct complex investigations. Operating in conflict-affected areas further complicates the collection of evidence, access to crime scenes, and the safe movement of investigators. Political considerations may also influence the willingness of states to assist the Court. In some situations, governments have been reluctant to arrest and surrender suspects because of domestic political interests, concerns about sovereignty, or relationships with accused individuals. The study concludes that although the ICC possesses a strong legal and institutional foundation for prosecuting international crimes, its practical ability to investigate cases and prosecute accused persons effectively remains limited. The main weakness therefore lies not in the absence of a legal framework, but in the difficulties of implementing that framework. The study recommends stronger cooperation between the ICC and states to facilitate investigations and the execution of arrest warrants. Improved enforcement of arrest warrants is necessary to ensure that accused persons are brought before the Court. Increased financial and institutional support would strengthen the Court's investigative and prosecutorial capacity. Enhanced witness protection measures would help safeguard witnesses and improve the reliability of evidence. Addressing these challenges would strengthen the ICC's ability to carry out investigations and prosecute individuals accused of international crimes.

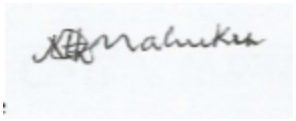
Keywords: International Criminal Court, prosecution, alleged international criminals, state cooperation, international criminal justice, complementarity.

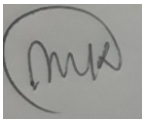
DECLARATION

I Shingai Mandoza (B251708A), hereby declare that this final dissertation is a result of my hard work, 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.

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Chairperson:  Date: 09/09/2026

DEDICATION

This whole project is dedicated to my mother who has been my pillar of strength. I pray this research will inspire my siblings to emulate my footsteps. Above all I give glory to God for making this project a success.

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I would like to express my sincere gratitude to the following individuals who supported me throughout this research journey: First and foremost, I would like to thank my supervisor for the guidance, expertise, and unwavering support. His encouragement and constructive feedback have been invaluable to me. I would also like to extend my appreciation to my colleagues and the entire teaching staff at the university, who provided a stimulating and supportive environment that has enabled me to grow academically and professionally. Specifically, I would like to thank the Department of Peace and Governance, who have offered valuable insights, advice, and support at various stages of my studies. I am also deeply grateful to the individuals who took part as respondents to the research questions, sharing their experiences, perspectives, and expertise. Their contributions have enriched this research and provided valuable data that have shaped the findings and conclusions. I would like to thank everyone for their contributions to my growth and success. The support, guidance, and participation have made this research possible.

ABBREVIATIONS

AU — African Union

BBC — British Broadcasting Corporation

CNN — Cable News Network

DRC — Democratic Republic of Congo

EAC — East African Community

EU — European Union

ICC — International Criminal Court

ICJ — International Court of Justice

ICTY — International Criminal Tribunal for the former Yugoslavia

JEM — Justice and Equality Movement

NAM — Non-Aligned Movement

NPFL — National Patriotic Front of Liberia

OTP — Office of the Prosecutor

SCSL — Special Court for Sierra Leone

SLM — Sudan Liberation Movement

UN — United Nations

UNSC — United Nations Security Council

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CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The International Criminal Court (ICC) is one of the most significant international criminal justice institutions because created to confront impunity when national systems fail. Established by the Rome Statute of 1998 and operational from 2002, the Court prosecutes individuals accused of genocide, crimes against humanity, war crimes and the crime of aggression (Cryer, Robinson and Vasiliev, 2020; Schabas, 2020; Stahn, 2020). Unlike ad hoc tribunals, the ICC was designed as a permanent judicial mechanism rather than a temporary court created after one conflict (Bantekas and Nash, 2021; Stahn, 2020). Its creation marked a major shift because it challenged the idea that sovereignty could protect political and military leaders from accountability (Nouwen, 2020; Mills and Bloomfield, 2022). The Court operates where law, sovereignty, diplomacy and politics intersect.

The historical foundation of the ICC lies in the international community's failure to prevent and punish atrocities such as the Holocaust, the Rwandan genocide and crimes committed in the Balkans. These events showed that domestic courts may be unable or unwilling to prosecute powerful perpetrators, where offenders control institutions or conflict weakens legal systems (Cryer, Robinson and Vasiliev, 2020; Schabas, 2020). The ICC was established to ensure that serious international crimes do not remain dependent on compromised national systems (Ambos, 2021; Stahn, 2020). Its mandate reflects the view that crimes affecting human dignity and peace require accountability beyond domestic politics.

A central feature of the ICC is complementarity, which gives states the first responsibility to investigate and prosecute international crimes. The Court intervenes only where states are unable or unwilling to act (Ambos, 2021; Nouwen, 2020). While this principle protects state sovereignty, it also creates a major challenge in executing the ICC's mandate. Where governments protect suspects, obstruct investigators, manipulate proceedings or deny access to evidence, the Court's work becomes difficult (Kersten, 2021; Office of the Prosecutor, 2024). Thus, the ICC's effectiveness depends not only on legal authority, but also on state cooperation that may conflict with political interests.

The most serious operational problem facing the ICC is enforcement. The Court does not have its own police force and must depend on states to arrest and surrender suspects (Kersten, 2021; International Bar Association, 2024). This creates a gap between issuing arrest warrants and bringing accused persons to trial. Some suspects have remained at large for years because they are protected by governments or allies (Schabas, 2020; Kersten, 2021). This weakens credibility because legal decisions may not produce accountability unless states cooperate. Enforcement becomes harder when arresting a suspect threatens diplomatic relations or strategic alliances.

The ICC also faces persistent criticism over selectivity and unequal justice. Critics argue that the Court historically focused heavily on African situations while powerful states and their allies remained less exposed to prosecution (Nouwen, 2020; Mills and Bloomfield, 2022). Although the ICC has expanded to situations such as Ukraine, Afghanistan, Myanmar, Georgia, Palestine and the Philippines, perceptions of selective justice remain influential (Clark, 2021; Kersten, 2021). This affects legitimacy because international criminal justice must be seen as impartial, not merely legally correct (Mills and Bloomfield, 2022). In international relations, this shows how law operates within an unequal order shaped by power and national interest (Nouwen, 2020; De Hoon, 2021).

Another problem concerns the political sensitivity of prosecuting powerful actors. Some influential states are not parties to the Rome Statute, while others support the ICC selectively depending on foreign policy interests (Nouwen, 2020; Mills and Bloomfield, 2022). The Court's work in Ukraine received strong Western support, while prosecutorial actions relating to Israeli and Palestinian officials generated intense diplomatic resistance and debate (Office of the Prosecutor, 2024; International Criminal Court, 2024). Such cases show that the ICC often operates in charged environments where legal decisions may attract pressure, non-cooperation or accusations of bias.

The ICC further faces evidentiary and procedural difficulties. International crimes are usually committed during war, displacement and institutional collapse, making investigations complex (Bantekas and Nash, 2021; Ambos, 2021). Prosecutors must prove that crimes occurred and that specific individuals were legally responsible through direct participation, command responsibility, intent, knowledge, or failure to prevent crimes (Cryer, Robinson and Vasiliev, 2020; Ambos, 2021). Witnesses may be intimidated or killed, documents may be destroyed, and command structures may be hidden. These conditions contribute to delays, high costs, limited convictions, and long trials.

Despite these constraints, the ICC has contributed to the norm that leaders, commanders, and armed group officials can be held individually accountable (Clark, 2021; Stahn, 2020). Its Strategic Plan 2023–2025 and the Office of the Prosecutor's Strategic Plan 2023–2025 seek to improve efficiency, cooperation, investigations, victim participation, and trials (International Criminal Court, 2023; Office of the Prosecutor, 2023). However, reforms require funding, witness protection, credible evidence, political cooperation, and effective arrest mechanisms. This study examines the ICC's prosecution efforts while highlighting the legal, institutional, and political problems that limit its mandate.

1.2 Statement of the Problem

The International Criminal Court was established in 1998 to prosecute individuals accused of genocide, crimes against humanity, war crimes, and aggression where national courts are unwilling or unable to act. By late 2024, the ICC had handled about 32 cases, issued 56 arrest warrants, secured 11 convictions, and recorded four acquittals, showing that its prosecutorial output remains limited when compared with the scale of international crimes being perpetrated in various countries. Crimes against innocent civilians and human rights violations in Sudan and the Democratic Republic of Congo have not resulted in any prosecutions. It is because of non-cooperation, political resistance, and weak evidence. It appears that several arrest warrants have remained unenforced for years, including those linked to the Darfur situation, in which the first conviction was only delivered in 2025, about 20 years after the United Nations Security Council referred the case to the Court. In this context, this study examines the ICC's prosecutorial efforts, achievements, and limitations within the wider politics of international criminal accountability.

1.3 Aim of the Study

The aim of this study is to examine the efforts of the International Criminal Court in prosecuting alleged international criminals, with particular focus on the extent to which the Court has fulfilled its mandate of investigating, indicting, and trying individuals accused of crimes against humanity.

1.4 Research Objectives

Objectives of the study are:

1. To identify the prosecution mechanisms used by the International Criminal Court in handling cases involving alleged international criminals.

2. To assess the contribution of ICC investigations to the prosecution of alleged international criminals.

3. To examine the extent to which state cooperation affects the prosecution of alleged international criminals by the International Criminal Court.

4. To establish measures that can improve the prosecution of alleged international criminals by the International Criminal Court.

1.5 Research Questions

1. What prosecution mechanisms are used by the International Criminal Court in handling cases involving alleged international criminals?

2. How do ICC investigations contribute to the prosecution of alleged international criminals?

3. To what extent does state cooperation affect the prosecution of alleged international criminals by the International Criminal Court?

4. How can the prosecution of alleged international criminals be improved by the International Criminal Court?

1.6 Assumptions of the Study

Based on several fundamental presumptions, this study examines the efforts of the International Criminal Court in prosecuting alleged international criminals, with particular emphasis on the legal, institutional, and political factors that influence prosecution outcomes. The study is therefore guided by the following assumptions:

1. The International Criminal Court uses recognised prosecution mechanisms, including preliminary examinations, investigations, arrest warrants, confirmation of charges, and trials, to pursue alleged international criminals.

2. ICC investigations contribute to the prosecution of alleged international criminals by gathering evidence, identifying suspects, interviewing witnesses, and linking alleged crimes to individual criminal responsibility.

3. State cooperation influences the prosecution of alleged international criminals because the ICC depends on states to arrest suspects, surrender accused persons, protect witnesses, and provide access to evidence.

1.7 Significance of the Study

1.7.1 International Criminal Court and International Justice Institutions

This study is significant to the International Criminal Court and related justice institutions because it provides insight into how prosecution mechanisms are used to address impunity for serious international crimes. The findings may help such institutions reflect on delays, enforcement gaps, state cooperation challenges, and investigative weaknesses that affect prosecution. It may also support discussions on improving institutional effectiveness and credibility in international criminal justice.

1.7.2 Governments and Policymakers

The study is important to governments and policymakers because states remain central to the enforcement of ICC decisions. Since the Court has no independent police force, governments are expected to assist in arresting suspects, surrendering accused persons, and protecting witnesses. The study may therefore help policymakers understand the importance of domestic legal frameworks, political commitment, and cooperation in strengthening the prosecution of alleged international criminals.

1.7.3 Diplomats and International Relations Practitioners

This research is significant to diplomats and International Relations practitioners because ICC prosecutions often involve sensitive issues of sovereignty, accountability, peace, and political power. The study may help diplomatic actors understand how international criminal justice interacts with state interests and conflict resolution. It may also assist practitioners in appreciating the need to balance peace processes with justice for victims of serious international crimes.

1.7.4 Victims and Human Rights Organisations

The study is useful to victims and human rights organisations because the ICC was created to respond to crimes that cause severe harm to individuals and communities. Human rights organisations may use the study to understand the strengths and weaknesses of ICC prosecutions. The research may also highlight the importance of victim participation, witness protection, reparations, and timely justice in international criminal accountability.

1.7.5 Academics and Researchers

This study is significant to academics and researchers in International Relations, international law, and human rights because it adds to debates on global justice, sovereignty, and accountability. It may assist future scholars studying state cooperation, selective justice, complementarity, and prosecution challenges before the ICC. The study also provides a basis for further research on how international criminal courts operate within a politically unequal

international system.

1.8 Limitations of the Study

The research was limited by reliance on secondary sources such as ICC reports, journal articles, books, case documents, and legal commentaries, since direct access to ICC officials, prosecutors, victims, and accused persons was not possible. Another limitation was that some ICC cases were still ongoing, making it difficult to conclude their prosecution outcomes. However, the researcher addressed these limitations by using credible and current academic, legal, and institutional sources, and by focusing on available evidence relating to ICC prosecution mechanisms, investigations, state cooperation, and enforcement challenges.

1.9 Delimitations of the Study

The researcher is putting more focus on the efforts of the International Criminal Court in prosecuting alleged international criminals, while excluding the full work of other international, regional, and domestic courts. The study is delimited to ICC prosecution processes such as investigations, arrest warrants, confirmation of charges, trials, convictions, acquittals, and the role of state cooperation in supporting or weakening these processes. The study also focuses on alleged international criminals accused of crimes falling within the jurisdiction of the ICC, namely genocide, crimes against humanity, war crimes, and the crime of aggression. It does not cover ordinary domestic crimes or human rights violations that fall outside the Rome Statute framework. The study is also temporally delimited to the period from 2002, when the ICC began operating, to 2025, to assess the Court's prosecutorial efforts over more than two decades. This delimitation enabled the researcher to remain focused on the ICC as a permanent international criminal justice institution and to avoid widening the study beyond manageable academic limits.

1.10 Definitions of Key Terms

The International Criminal Court - refers to a permanent international judicial institution established under the Rome Statute to investigate and prosecute individuals accused of genocide, crimes against humanity, war crimes, and the crime of aggression (Schabas, 2020; Stahn, 2020).

Alleged international criminals - refer to individuals suspected or accused of committing serious crimes recognised under international criminal law, but whose guilt has not yet been legally proven by a competent court (Cryer, Robinson & Vasiliev, 2020; Ambos, 2021).

International crimes - are serious offences that affect the international community because of their scale, gravity, and impact on human dignity. These crimes include genocide, crimes against humanity, war crimes, and the crime of aggression, as provided under the Rome Statute (Bantekas & Nash, 2021; Schabas, 2020).

Prosecution - refers to the legal process through which an accused person is investigated, charged, and tried before a court of law. In the context of the ICC, prosecution includes preliminary examination, investigation, arrest warrant application, confirmation of charges, trial, and judgment (Ambos, 2021; Cryer, Robinson & Vasiliev, 2020).

State cooperation - refers to the assistance given by states to the ICC in carrying out its mandate. This may include arresting suspects, surrendering accused persons, protecting witnesses, preserving evidence, enforcing sentences, and allowing investigators access to relevant territories (Kersten, 2021; Nouwen, 2020).

Complementarity - is the principle that national courts have the first responsibility to investigate and prosecute international crimes, while the ICC intervenes only when states are unwilling or genuinely unable to act (Stahn, 2020; Ambos, 2021).

Impunity - refers to a situation where individuals who commit serious crimes avoid investigation, prosecution, or punishment (Schabas, 2020; Clark, 2021).

1.10 Chapter Outline

This thesis is organised into five chapters.

Chapter One: Introduction

This chapter introduces the study by presenting the background, statement of the problem, aim, objectives, research questions, assumptions, significance, limitations, delimitations, and definition of key terms.

Chapter Two: Literature Review and Theoretical Framework

This chapter reviews related literature on the International Criminal Court, international criminal justice, and the prosecution of alleged international criminals.

Chapter Three: Research Design and Methodology

This chapter presents the research methodology used in the study.

Chapter Four: Data Presentation, Discussion and Analysis

This chapter presents and analyses the findings of the study.

Chapter Five: Summary, Conclusions, Recommendations and Areas for Further Research

This chapter provides the summary, conclusions, and recommendations of the study.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2. Introduction

This chapter reviews literature related to the efforts of the International Criminal Court in prosecuting alleged international criminals. The review focuses on prosecution mechanisms used by the Court, the contribution of ICC investigations to prosecution, the influence of state cooperation on prosecution outcomes, and measures that may strengthen the Court's prosecutorial effectiveness. It also presents the theories employed in this study.

2.1 Theoretical Framework

The study uses the Realist and Liberalist theories. The Realism theory will bring out that the world is anarchic and how states and state leaders want power (Hans Morgenthau, 2020). The Liberalist theory will bring out the concept of cooperation, that no state can survive on its own (Immanuel Kant, 2020).

2.1.1 Realism Theory

Realism theory has its intellectual roots in the writings of Thucydides, Niccolò Machiavelli, and Thomas Hobbes, who viewed political life as shaped by power, insecurity, and the struggle for survival. Scholars such as Hans Morgenthau and Kenneth Waltz submit that states operate in an anarchic international system where no central authority exists above sovereign states. They posit that states are the main actors in the international system and that they prioritise survival, security, and national interest over moral or legal ideals. Contemporary realist scholarship continues to emphasise that international law and institutions are often constrained by power politics because states cooperate when it serves their

interests and resist when cooperation threatens their strategic position (Donnelly, 2020; Mearsheimer, 2021).

In this context, realism provides a useful lens for explaining and analysing the political limits of prosecution. Although the ICC has legal authority under the Rome Statute, it has no independent police force and depends on states to arrest suspects, surrender accused persons, and provide access to evidence. This dependence exposes the Court to the realities of sovereignty and power politics. Kersten (2021) opines that the ICC's legal authority becomes difficult to enforce when states refuse to cooperate or when suspects are protected by political allies. Similarly, Nouwen (2020) observes that international criminal justice operates within an unequal global order where powerful states and their allies use their power to resist accountability. Realism, therefore, may help explain why some ICC arrest warrants remain unenforced despite the Court's dformal legal mandate.

Realism also assists in understanding other states' selective cooperation with the ICC. States may support the Court when prosecutions target rivals, rebel groups, or politically isolated leaders, but may resist when investigations affect allies or their strategic interests. Stahn (2020) notes that the ICC functions within a wider accountability system in which law and politics interact continuously. Realism is therefore useful in this study because it explains the enforcement challenges, political resistance, and legitimacy disputes that affect ICC prosecution efforts.

2.1.2 Liberalism Theory

Liberalism, as a theory of International Relations, has its roots in the ideas of John Locke (1704), Immanuel Kant (1804), and later liberal institutionalist scholars who emphasised cooperation between and among states adhering to the dictates of international law, respect for human rights, and following rules and norms of the international institutions. Liberalism accepts that the international system may lack a world government, but it argues that states and non-state actors can still reduce conflict and promote order through treaties, institutions, rules, and shared norms. Liberalism is associated with the belief that international organisations can help states cooperate, solve collective problems, and promote accountability. Contemporary liberal institutionalist writers such as Dunne (2020) argue that institutions matter because they create procedures, expectations, legal obligations, and platforms through which states can address problems that cannot be solved by individual governments alone (Dunne, 2020; Keohane, 2020).

In relation to this study, liberalism explains the creation and continuing relevance of the International Criminal Court (Immanuel Kant, 1795). The ICC reflects the liberal belief that serious crimes should not be left entirely to domestic political systems, especially where national courts are unwilling or unable to prosecute perpetrators (John Locke, 1689). The Rome Statute created a legal framework through which states agreed to cooperate in ending impunity for genocide, crimes against humanity, war crimes, and aggression. Schabas (2020) argues that the ICC represents an effort to institutionalise international criminal accountability by making individuals, warlords, and political leaders, rather than states alone, answerable for grave crimes. Cryer, Robinson, and Vasiliev (2020) also note that international criminal law developed from the view that certain crimes affect the international community as a whole. Liberalism, therefore, helps to explain why states established the ICC, why victims and human rights actors continue to support it, and why legal accountability remains central to global justice debates.

Liberalism is also relevant because it highlights the importance of cooperation in ICC prosecutions. The Court can only function effectively when states provide evidence, arrest suspects, protect witnesses, enforce sentences, and support investigations. The ICC itself recognises that state cooperation is essential because the Court does not have its own enforcement arm (International Criminal Court, 2025). Liberalists, therefore, view the ICC as part of a rules-based international order in which institutions can guide state behaviour and strengthen accountability (Robert Keahone, 1984). It helps this study examine how stronger cooperation, improved complementarity, domestic legal reform, and institutional support may improve the prosecution of alleged international criminals. Liberalism provides the normative and institutional lens for assessing the ICC's promise.

2.2 Empirical Research

Empirical literature on the International Criminal Court shows that the Court has become a major institution in the global fight against impunity, although its prosecutorial record remains contested. The ICC was established in July 2002 to prosecute individuals accused of genocide, crimes against humanity, war crimes, and the crime of aggression where national systems are unwilling or unable to act (Schabas, 2017). In practice, however, prosecution before the Court depends on several stages, including preliminary examination, investigation, arrest warrant applications, confirmation of charges, trial, appeal, and enforcement of sentences. According to Cryer, Robinson, and Vasiliev (2020), international criminal prosecution is more demanding than ordinary domestic prosecution because it must prove both the existence of serious crimes and the responsibility of specific individuals, such as Omar Al-Bashir, Thomas Lubanga, and Charles Taylor. This makes the ICC's work legally complex and politically sensitive.

Empirical studies further show that the ICC's prosecution efforts have produced mixed outcomes. On one hand, the Court has opened investigations in several situations, issued arrest warrants, tried accused persons, and delivered convictions in selected cases (Antonion Cassese, 2013). This includes the warrants of arrest of alleged international criminals such as Omar Al-Bashir, who was believed to have violated human rights through crimes against humanity. On the other hand, many warrants remain unenforced, some cases collapse because of weak evidence, and several accused persons are beyond the Court's custody. The Office of the Prosecutor reported in 2024 that it was dealing with a record number of applications for arrest warrants and had 30 public outstanding warrants, showing both growing prosecutorial activity and continuing enforcement difficulty (Office of the Prosecutor, 2024). This makes empirical review important because the ICC's effectiveness must be assessed not only by its mandate, but also by what it has actually achieved in prosecuting alleged international criminals.

2.2.1 Prosecution Mechanisms Used by the International Criminal Court

The International Criminal Court uses a number of prosecution mechanisms to handle cases involving alleged international criminals. These mechanisms include preliminary examinations, formal investigations, applications for summons or arrest warrants, confirmation of charges, trial proceedings, victim participation, appeals, and reparations (International Criminal Court, 2024). Schabas (2020) explains that the ICC's prosecution process is designed to ensure that accused persons are tried according to fair trial standards while still addressing crimes of international concern. This procedural framework distinguishes the ICC from political punishment because the Court must follow legal standards, evidentiary rules, and judicial oversight (Schabas, 2020).

The prosecution mechanism begins with the identification of a situation that may fall within the jurisdiction of the Court. A situation may be referred by a state party, referred by the United Nations Security Council, or opened by the Prosecutor with authorisation from the

Pre-Trial Chamber (Rome Statute, 1998; Bantekas & Nash, 2021). This process is important because it determines whether the Court has jurisdiction over alleged crimes. Bantekas and Nash (2021) note that jurisdiction before the ICC is not automatic in all conflicts, since it depends on territorial jurisdiction, nationality, Security Council referral, or acceptance of jurisdiction by a non-state party. Therefore, the first prosecution mechanism is legal screening, where the Court determines whether alleged crimes fall within the Rome Statute framework (Rome Statute, 1998).

After jurisdiction is established, the Office of the Prosecutor conducts investigations. Investigations are central to prosecution because they help the Court identify suspects, collect evidence, and establish criminal responsibility (Ambos, 2021). Ambos (2021) observes that ICC prosecution requires proof of individual responsibility, meaning that prosecutors must link alleged atrocities to specific persons through evidence of direct participation, command responsibility, or contribution to a criminal plan. This is often difficult in conflict zones because records may be destroyed, witnesses may be displaced, and command structures may be hidden (Cryer et al., 2019). For example, in the case of Thomas Lubanga Dyilo, prosecutors relied heavily on witness testimony and documentary evidence to prove his role in the enlistment in the Democratic Republic of Congo (Schabas, 2020). The ICC's 2024 Annual Report also indicates that the Prosecutor's work involves complex investigative activity across multiple situations, including evidence analysis, witness engagement, and cooperation with national authorities (International Criminal Court, 2024).

Another important mechanism is the arrest warrant. Once the Prosecutor presents sufficient evidence, the Pre-Trial Chamber may issue a warrant of arrest or summons to appear. This mechanism is intended to secure the presence of the accused before the Court. The ICC itself recognises that it relies on state cooperation for the arrest and surrender of suspects, which makes enforcement dependent on national authorities (International Criminal Court, 2024). As a result, a warrant may have legal force but limited practical impact if states refuse to cooperate.

The confirmation of charges is also a major prosecution mechanism. At this stage, the Pre-Trial Chamber determines whether there is sufficient evidence to send the case to trial (Rome Statute, 1998). This mechanism protects accused persons from weak or politically motivated prosecutions by requiring the Prosecutor to meet a clear evidentiary threshold. According to Stahn (2020), this stage is important because it reflects the ICC's attempt to balance accountability with procedural fairness. Trials then proceed before the Trial Chamber, where the Prosecutor must prove that the alleged international criminal is guilty beyond a reasonable doubt (Cassese et al. 2020). Therefore, the ICC's prosecution mechanisms are not limited to accusing individuals; they involve a structured legal process intended to ensure fairness, legitimacy, and accountability (Stahn, 2929; Schabas, 2020).

2.2.2 Contribution of ICC Investigations to the Prosecution of Alleged International Criminals

ICC investigations contribute to prosecution by producing the evidence needed to connect alleged international crimes to individual suspects. International crimes are often committed in collective settings, involving military units, political leadership, militias, intelligence networks, or organised armed groups such as the M23, Mai-Mai, and Allied Democratic FORCES (ADF). This makes investigations essential because the Court must prove not only that atrocities happened, but also that the accused person had the required level of responsibility. Cryer, Robinson, and Vasiliev (2020) argue that international criminal prosecution depends heavily on evidence of planning, ordering, aiding, command responsibility, or failure to prevent crimes. Therefore, investigations form the foundation of every successful ICC prosecution.

The contribution of investigations can be seen in the way the Court gathers witness statements, documentary evidence, digital material, forensic evidence, and contextual information, for example, in the case of Thomas Lubanga, where children under the age of 15 were believed to have been recruited and used for hostilities by M23 armed groups in the DRC (Cole & Askin, 2012). Digital evidence has become increasingly important in

contemporary conflicts because crimes may be recorded through satellite imagery, mobile phones, social media, intercepted communications, and open-source material. Freeman and Vazquez Llorente (2021) argue that digital evidence has changed the practice of international criminal investigations by widening the range of material available to prosecutors. However, digital evidence must still be authenticated, preserved, and linked to the accused person. This shows that investigations are not merely about collecting information, but about transforming that information into admissible courtroom evidence.

In many ICC situations, crimes are not isolated incidents but part of organised attacks against civilian populations, for example, the Jean-Pierre Bemba Gombo case (Schabas, 2017). The troops under his command were examined to have committed murder, rape, and pillaging in the Central African Republic between 2002 and 2003 (Schabas, 2017). De Hoon (2021) notes that the ICC's work often involves examining patterns of victimisation, command structures, and institutional responsibility. This is important in crimes against humanity, where prosecutors must show that crimes formed part of a widespread or systematic attack against a civilian population. Investigations, therefore, help to establish whether crimes were accidental, isolated, or part of a broader policy or organised conduct.

However, investigations are often weakened by conflict conditions. Witnesses may fear retaliation, governments may deny access, armed groups may control crime scenes, and evidence may be destroyed before investigators arrive. For example, in Sudan, they had ongoing investigations, and the ICC faced significant challenges of a lack of state cooperation and the presence of Janjaweed militia armed groups (Phil Clark, 2018). Mabuda (2023) argues that international criminal justice often depends on cooperation from domestic authorities, civil society organisations, and affected communities because international courts rarely control the territory where crimes occurred. This means that ICC investigations may be stronger where

there is cooperation and weaker where the Court is blocked from accessing evidence (Schabas, 2020). The Office of the Prosecutor's Policy on Complementarity and Cooperation also recognises that cooperation with national authorities and other accountability actors is vital in strengthening investigations and prosecutions (Office of the Prosecutor, 2024).

The contribution of ICC investigations is therefore significant but not absolute. Investigations can support prosecution by identifying suspects, preserving evidence, and linking crimes to individual responsibility (International Criminal Court, 2024). Yet their success depends on access, security, technology, witness protection, and cooperation. This makes investigation a central but vulnerable part of the prosecution process. For this study, the issue is important because the ICC's prosecution efforts cannot be assessed without examining whether its investigations are strong enough to produce cases that can survive trial (Schabas, 2017).

2.2.3 State Cooperation and the Prosecution of Alleged International Criminals

State cooperation is one of the most important factors affecting the prosecution of alleged international criminals by the ICC (Rome Statute, 1998, Arts 86-102). The Court depends on states to arrest suspects, surrender accused persons, provide evidence, protect witnesses, freeze assets, and enforce sentences (Bosco, 2018). Without such cooperation, prosecution may be delayed or rendered impossible. The Coalition for the International Criminal Court states that ICC investigations and prosecutions can be severely delayed or made impossible where states fail to cooperate, since national authorities are responsible for arresting and surrendering suspects to The Hague (International Criminal Court, 2024). This confirms that the ICC's legal mandate depends on political and institutional support from states.

Scholars such as Schabas (2017) and Clark (2018) have repeatedly shown that state cooperation is uneven. Hillebrecht (2021) argues that states often comply with international

human and justice institutions when compliance fits domestic or international interests, but may resist when accountability threatens political elites. This applies directly to the ICC because some states cooperate with the Court when prosecutions target rivals, rebel commanders, or former leaders, while resisting when investigations involve sitting officials or strategic allies. Nouwen (2020) similarly argues that international criminal justice operates within an unequal international system where law is shaped by power relations and political interests.

The problem of cooperation is particularly serious in relation to arrest warrants. The ICC may issue arrest warrants, but suspects cannot be tried unless they are physically brought before the Court. Kersten (2021) argues that this creates an enforcement gap because the ICC has judicial authority but lacks coercive capacity. This gap has appeared in several situations where suspects remained free for many years despite outstanding warrants. In such cases, the Court's credibility may be weakened because victims see warrants being issued without suspects being brought to trial. The International Bar Association (2024) also notes that enforcement of ICC warrants depends on close cooperation between the Court, states parties, and international institutions.

State cooperation is also affected by whether a state is party to the Rome Statute. States parties have legal obligations to cooperate with the ICC, while non-party states may reject the Court's jurisdiction unless there is a Security Council referral or voluntary acceptance of jurisdiction. This creates difficulties in politically sensitive cases involving powerful non-party states or their allies. Bosco (2022) argues that the ICC's influence is strongest where it is supported by cooperative states and weakest where powerful actors challenge its authority. This realist dimension shows that cooperation is not simply a legal duty, but also a political decision shaped by diplomacy, national interest, and strategic alignment.

For this study, state cooperation is a key empirical issue because it directly affects whether ICC prosecution mechanisms can produce actual trials (Schabas, 2020). A strong investigation may still fail if the accused person is not arrested. Similarly, a legally sound warrant may remain symbolic if states refuse to enforce it. Therefore, the effectiveness of the ICC in prosecuting alleged international criminals cannot be measured only by the number of investigations opened or warrants issued (Clark, 2018). It must also be assessed by the extent to which states cooperate in turning those legal processes into completed prosecutions.

2.2.4 Measures for Strengthening the ICC's Prosecution of Alleged International Criminals

Empirical literature identifies several measures that may improve the ICC's prosecution of alleged international criminals. The stronger state cooperation, especially in arresting suspects and surrendering accused persons. Without enforcement support, the Court's work remains incomplete. The ICC's Strategic Plan 2023–2025 identifies cooperation as one of the main conditions for improving the Court's performance, alongside efficiency, outreach, victim participation and institutional resilience (International Criminal Court, 2023). The is improved complementarity. The Office of the Prosecutor's 2024 Policy on Complementarity and Cooperation emphasises a renewed approach in which the ICC works more closely with national authorities, regional bodies and other accountability actors to support domestic proceedings where possible (Office of the Prosecutor, 2024). The stronger investigative capacity. International criminal cases increasingly require digital evidence, forensic expertise, financial tracking, witness protection systems and specialised knowledge of military command structures. Freeman and Vazquez Llorente (2021) argue that the growth of digital evidence creates opportunities for accountability but also demands strong verification and preservation systems.

2.3 Peace Versus Justice Debate

The conflict between peace and justice is a crucial issue in the literature about the ICC. According to some academics, such as Tom Pen (2023), prosecutions of International criminals might make peace negotiations more difficult by deterring armed leaders from taking part in discussions out of fear of being arrested and prosecuted. According to this viewpoint, the possibility of ICC prosecution could extend hostilities or lessen the incentives for compromise, especially when commanders believe that capitulation will result in international tribunals.

However other academics Yen Jin (2012) argue that addressing the underlying causes of conflict and making it clear that significant crimes will not be accepted, accountability promotes long-lasting peace. According to empirical research on ICC involvement in wars like Sudan, Uganda, and the Democratic Republic of the Congo, ICC investigations can have a variety of outcomes, occasionally reducing violence but not always resulting in full peace agreements (Wang, 2025). These results provide credence to a more sophisticated understanding of how local political factors and context influence the ICC's influence on peace processes.

From a critical perspective, John Wiss (2022) , this literature implies that although worries regarding peace talks are legitimate, eschewing responsibility in favor of temporary stability runs the risk of solidifying impunity cultures. According to the researcher, the debate between justice and peace emphasizes the necessity of evaluating the efficacy of the ICC not just in terms of short-term conflict outcomes but also in terms of long-term norm-building and the upholding of accountability norms.

2.4 Yugoslavia Case Study

The centralized authority collapsed after the death of Josip Broz Tito (May 1980), eliminating the most powerful rebels who had kept the country's ethnic and political factions together. Nationalist leaders arose due to a lack of strong federal leadership as they aimed for political supremacy and territory control (Glenny, 1996). Most political elites such as Slobadan Milosevic, Fanjo Tudman and Milan Kucan gained support from the ethnic group through a struggle for state power and economic collapse (Ramet, 2006). This struggle for political power led to violent clashes, which contributed to the spread of international crimes. There were campaigns organized by leaders such as Radovan Karadžić and military commander Ratko Mladić aimed at securing territorial dominance. This territorial dominance was acquired through ethnic cleansing and forced displacement of many citizens, which was against human rights and the humanitarian law (Power, 2002). The evidence of these violations in Sudan and the DRC was documented by the United Nations and International human rights organisation, which reported the widespread killings, destruction of villages, and mass expulsions (ICTY, 2001). The breakdown of state authority led to so many atrocities, including genocide, human trafficking, and child soldiering. Therefore, this led to the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY), which successfully prosecuted several high-ranking political and military leaders, including Slobodan Milosevic, Radovan Karadzic and Ratko Mladic (UNSC Resolution 827, 1993). However, there were challenges faced along the way, such as arrest delays and political resistance.

Large-scale atrocities are vividly shown through the international crimes in Yugoslavia and how they brought justice. This led to the International Criminal Tribunal for the former Yugoslavia (ICTY) to establish a way of responding to the violent conflicts in the Balkans in the 1990s. Its main mandate was to prosecute those who have committed grave violations of international humanitarian law, such as crimes against humanity, war crimes,

and genocide(ICTY, 2017). The Yugoslavia case demonstrates the mechanisms used to deal with the alleged international criminals. This included the prosecution, international indictments, evidence collection, witness protection, and cooperation with state authorities for arrests (Schabas, 2017). The ICTY highlights how state cooperation enables international tribunals to operate through legal procedures and international enforcement support in convicting the criminals. However, the ICTY faced challenges such as arresting suspects, political resistance from other states, and delays in reinforcement (Clark, 2018). These challenges illustrate how cooperation is not always guaranteed, as the world is anarchic.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) prosecuted Slobodan Milošević, marking one of the first instances where a former head of state was tried for war crimes, genocide, and crimes against humanity (Schabas, 2017; ICTY, 2006).

2:5 Liberia Case Study

The instability in Liberia was caused by political, long-standing governance failures and competition for state power (Ellis, 2007; Reno, 1995). In 1980, Samuel Doe came into power through a military coup, overthrowing President William Tolbert. He overthrew the civilian government because he was dissatisfied with how the elite had control over indigenous people (Adebajo, 2013). However, during his regime, it was characterised by ethnic favoritism, authoritarianism, corruption, and political opponents (Reno, 1995). This led to the destabilising of the country, as there was widespread resentment from the people. The armed opposition emerged after the deterioration of the political order. In 1989, Charles Taylor mobilised an armed rebellion called the National Patriotic Front of Liberia (NPFL) against Doe's government (Ellis, 2007). His motive was driven by personal political ambition and grievances against the regime, which led to a full-scale civil war (Adebajo, 2002). The civil war comprised

several atrocities such as massacres, forced recruitment of child soldiers, sexual violence, and destruction of civilian infrastructure.

The overthrow of Samuel Doe marked a turning point in Liberia, as he was captured and killed during the conflict. However, this did not bring immediate stability as fighting among competing factions continued (Adebajo, 2002). In 1997, Taylor assumed the presidency with continued instability and support for rebel movements in Sierra Leone. Eventually, the Special Court for Sierra Leone (SCSL) prosecuted him, demonstrating that political leaders are not shielded from accountability under international law (Special Court for Sierra Leone, 2012; Schabas, 2017).

2.6 Road Map to Sudan

The conflict in Darfur, Sudan represents a very crucial example of mass atrocities in international crime justice. According to Mamdani (2009) and Waal (2005) the crisis emerged from a combination of weak governance, marginalization among the ethnic groups, environmental degradation and competition over land and water. Groups such as the Sudan Liberation Movement (SLM) and the Justice and Equity Movement (Jem) contributed to the rise of armed rebellion in 2003. This was intensified by political exclusion and state neglect particularly in Khartoum which had central government. President Omar Al-Bashir responded by supporting and mobilizing the Janjaweed militia to suppress the rebellion.

Scholars like Reeves (2014) believed that the counterinsurgency strategy by President Omar was viewed as a way of supporting rebel groups as it caused widespread attacks on civilians. The atrocities included sexual violence, forced displacement, mass killings (genocide) and village destruction which was viewed as a method of warfare.The ICC classified these atrocities as crimes against humanity, leading to arrest warrants senior

Sudanese officials including Omar Al-Bashir. Statistical evidence estimated that between 200,000 and 400,000 people were killed, while over 2.5 million civilians were displaced creating a humanitarian crises (Oxfam, 2008; Human Rights Watch, 2008). Humanitarian agencies reported for the systematic obstruction of aid delivery as hundreds of villages were destroyed.

The ICC was involved in Sudan by the United Nations Security Council Resolution 1593 (2005) and investigations were held to be able to issue arrest warrants to the alleged international criminals including Omar Al-Bashir. However the enforcement has failed due to limited state cooperation and political protection from some regional actors. Payam Akhavan (2010), argues that the Darfur case illustrates the limitations of international criminal justice showing that acountability is constrained by political elites with an anarchic international system.

2.7 Road Map to Democratic Republic Congo

The Democratic Republic of Congo represents a long-standing conflicts examined in the international criminal justice system. Stearns (2012), Gérard Prunier (2009), and Séverine Autesserre (2010), argues that the conflicts are embedded in a number of reasons. These reasons include colonial legacies, weak state institutions, ethnic fragmentation and competition over natural resources such as coltan, gold, and diamonds (Stearns, 2012). The rise of Mobutu Sese Seko a dictator, was caused by the collapse of state authority after independence (Nzongola-Ntajala, 2002). This created a vacuum government that weakened national cohesion and allowed armed groups to emerge. Cross-border refugee flows and armed group mobilized

in eastern Congo after the collapse of the political stability and following 1994 Rwandan genocide. This led to the First Congo War (1996-1997) which overthrew Mobutu Sese Seko by Laurent-Désiré Kabila (Reyntjens, 2009). Later on the Second Congo War (1998-2003) which is open referred to as "Africa's World War" which included multiple African countries and caused millions of deaths.

According to Filip Reyntjens (2009), the conflicts were not caused by power struggle only but regional interventions and competition among neighbouring states, Armed groups such as the M23, FDLR and various Mai-Mai militias committed a lot of atrocities. These atrocities included child-soldiering, mass rape, massacres and displacement of civilians (Human Rights Watch, 2005; United Nations, 2010). Over 5 million people are believed to have died as a result of violence, diseases and starvation caused by these atrocities. In provinces such as North Kivu and Ituri, sexual violence was documented as a systematic weapon of war (International Rescue Committer, 2007). This underscores the humanitarian suffering in the DRC, leading to the ICC intervention (Autesserre, 2010).

Political leaders such as Thomas Lubanga Dyilo, Germain Katanga, and Bosco Ntaganda were prosecuted for war crimes and crimes against humanity (Schabas, 2017). These war crimes were particularly child soldiering recruitment and mass killings. Scholars such as Michael Broache (2014) argues that the ICC prosecutions in the DRC produced only mixed results because of violence and armed group activity continued despite prosecutions. Andrew Ceasare Miller (2022) acknowledges that the ICC indictments may reduce some atrocities but also highlights the Court's limited enforcement capacity and dependence on state cooperation. Therefore, the DRC case illustrates both structural limitations and operational success of the international criminal justice in dealing with conflicts (ICC, 2012; ICC, 2014).

2.8 Chapter Summary

This chapter reviewed literature related to the efforts of the International Criminal Court in prosecuting alleged international criminals. The chapter presented Realism and Liberalism as the theories guiding the study. Realism explained how sovereignty, national interest, power politics and selective cooperation limit ICC prosecution efforts. Liberalism explained the importance of international institutions, legal cooperation, human rights, and rules-based accountability in promoting international criminal justice.

CHAPTER THREE

RESEARCH METHODOLOGY

3. Introduction

This chapter outlines the research methodology employed to examine the efforts of the International Criminal Court in prosecuting alleged international criminals. The chapter begins by presenting the research philosophy and research approach, followed by the population sample, data collection methods, and ethical considerations.

3.1 Research Philosophy

This study adopts an interpretivist research philosophy to examine the efforts of the International Criminal Court in prosecuting alleged international criminals. This philosophy is suitable because the study deals with legal, political and institutional issues that require interpretation rather than statistical measurement. The prosecution of alleged international criminals involves complex matters such as state cooperation, sovereignty, arrest warrants, investigations, evidence gathering, political resistance and the legitimacy of international criminal justice.

The qualitative philosophy allows the researcher to explore these issues in depth by examining how the ICC carries out its prosecutorial mandate and how different factors influence its effectiveness. According to Creswell and Creswell (2023), qualitative research is appropriate when a study seeks to understand complex social, legal or political phenomena within their real-life context. Similarly, Denzin and Lincoln (2023) state that qualitative inquiry enables researchers to interpret meanings, processes and experiences that cannot be fully captured through numbers alone.

3.2 Research Approach

Research approach refers to the general plan and procedure that guides how a researcher collects, analyses and interprets data in order to answer the research questions (Saunder, Lews and Thornhill, 2023). It provides direction on whether the study will rely mainly on numerical measurement, detailed interpretation, or a combination of both. According to Saunders, Lewis and Thornhill (2023), a research approach helps the researcher connect the research problem, objectives, data collection methods and analysis procedures in a coherent manner. In this study, the researcher employed a qualitative research approach to examine the efforts of the International Criminal Court in prosecuting alleged international criminals .

The qualitative approach was appropriate because the study sought to understand the ICC's prosecution efforts from a legal, political and institutional perspective (Creswell & Crewsell, 2023). The study did not seek to measure variables statistically, but to explore how the Court investigates, indicts and prosecutes alleged perpetrators of international crimes. Qualitative research is useful where a study focuses on meanings, processes, documents, institutional practices and complex social or political issues that require detailed interpretation (Creswell & Creswell, 2023). In relation to this study, the approach enabled the researcher to analyse ICC prosecution mechanisms, state cooperation, enforcement challenges and measures that may strengthen prosecution outcomes. The qualitative approach was also suitable because the subject of international criminal prosecution involves sensitive and complex issues (Schabas, 2017; Bosco, 2014). Alleged international crimes such as genocide, crimes against humanity, war crimes and aggression often occur in conflict environments where evidence, witness protection, political pressure and state interests affect the justice process. Denzin and Lincoln (2023) argue that qualitative research allows the researcher to examine phenomena within their real-life context and to generate rich explanations rather than relying only on numerical indicators. This was important in this study because the

effectiveness of the ICC cannot be understood only through the number of cases, warrants or convictions. It also requires attention to the political conditions that shape cooperation and enforcement (Bosco, 2014; Clark, 2018).

By choosing a qualitative approach, the study aimed to gain a deeper understanding of the ICC's role in prosecuting alleged international criminals. The researcher analysed scholarly literature, ICC reports, Rome Statute provisions, official policy documents, legal commentaries, and case-related materials (Yin, 2018). This helped the study to identify patterns relating to prosecution mechanisms, investigations, arrest warrants, state cooperation, and institutional challenges. The qualitative approach, therefore, provided a suitable foundation for examining the ICC as both a legal institution and an actor operating within the wider international relations system (Schabas, 2017).

3.3 Target Population

This study's population is comprised of participants with practical and academic knowledge of international relations, international criminal justice, human rights, diplomacy and global governance. The population included university lecturers in International Relations and Law, legal practitioners with knowledge of international law, human rights officers, political analysts, civil society practitioners working on justice and accountability issues, and selected postgraduate students specialising in International Relations. These groups were considered appropriate because the study required informed views on the efforts of the International Criminal Court in prosecuting alleged international criminals. The study therefore did not target the general public, since ordinary public opinion would not provide the level of technical understanding required for analysing ICC prosecution mechanisms, investigations, arrest warrants, state cooperation and enforcement challenges.

Sileyew (2020) states that a research population refers to the complete group of individuals or units that possess the characteristics relevant to a particular study. Similarly, Saunders, Lewis and Thornhill (2023) explain that identifying the population is important because it sets the boundaries of the study and determines the sources from which relevant data will be obtained. In this study, the target population was made up of 20 individuals who were considered knowledgeable in matters relating to international criminal justice and the role of international institutions. These included four university lecturers in International Relations and Law, three legal practitioners, three human rights officers, three political analysts, three civil society practitioners, and four postgraduate students specialising in International Relations.

3.3.1 Sample Size

A sample refers to a smaller group selected from the wider population to participate in the study. According to Creswell and Creswell (2023), qualitative studies often use small but information-rich samples because the purpose is to obtain depth of understanding rather than statistical generalisation. In this study, a sample of 12 participants was selected from the target population. The sample included two university lecturers, two legal practitioners, two human rights officers, two political analysts, two civil society practitioners and two postgraduate International Relations students. These participants were selected because they were likely to provide detailed insights into the ICC's prosecution efforts, its legal mandate, its reliance on state cooperation, and the political challenges that affect international criminal accountability.

3.3.2 Sampling Techniques

The researcher used purposive sampling to select participants. Purposive sampling was appropriate because the study required individuals with direct knowledge of international relations, international law, human rights and the ICC, rather than randomly selected respondents. Campbell et al. (2020) explain that purposive sampling enables the researcher to choose participants who are most capable of providing rich and relevant information about the research problem. In this study, participants were selected on the basis of their academic

training, professional experience, research interest or practical engagement with issues of international justice and accountability. This helped the researcher to obtain meaningful data from people who could speak with understanding on the efforts of the International Criminal Court in prosecuting alleged international criminals.

3.4 Data Collection Methods

Data collection refers to the systematic process of gathering relevant information from selected participants or sources in order to address the research objectives. Karunarathna (2024) states that data collection is a critical stage in research because the quality of the findings depends on the accuracy, relevance and credibility of the information gathered. In this study, data collection was designed to obtain informed views on the efforts of the International Criminal Court in prosecuting alleged international criminals.

This study employed semi-structured interviews as the main data collection method. Semi-structured interviews were appropriate because they allowed the researcher to ask prepared questions while also giving room for follow-up questions where participants raised important issues. This method was useful because the study dealt with complex matters such as ICC prosecution mechanisms, investigations, arrest warrants, state cooperation, complementarity, political resistance and enforcement challenges. Saunders, Lewis and Thornhill (2023) argue that semi-structured interviews are suitable where the researcher seeks detailed responses while still maintaining focus on the research objectives. Therefore, this method enabled the researcher to collect rich and relevant data from participants with knowledge of international relations, international law, human rights and global justice.

3.4.1 Interview Guide

The interviews were guided by an interview guide developed from the research objectives. The first section of the guide focused on prosecution mechanisms used by the ICC in handling alleged international criminals. The second section explored the contribution of ICC investigations to prosecution. The third section examined the extent to which state cooperation affects the Court's prosecution efforts. The final section focused on measures that may improve the prosecution of alleged international criminals by the ICC. This structure helped the researcher to remain aligned with the study objectives while allowing participants to explain their views in detail.

The study also used document analysis as a supporting data collection method. Relevant documents included ICC reports, Rome Statute provisions, Office of the Prosecutor policy documents, case summaries, scholarly books, journal articles and institutional publications on international criminal justice. Document analysis was necessary because the study examined an international institution whose prosecution work is partly recorded in official documents and legal materials. Bowen (2020) explains that document analysis is useful in qualitative research because it allows the researcher to interpret written materials that provide context, evidence and background to the research problem. In this study, documents helped to support and compare the views obtained through interviews.

3.4.2 Justification for the Data Collection Methods

By combining semi-structured interviews and document analysis, the researcher obtained both expert views and documentary evidence on the ICC's efforts in prosecuting alleged international criminals. This strengthened the study by ensuring that the findings were not based on opinion alone, but were also supported by legal, academic and institutional sources. The use of these methods was therefore appropriate in generating a deeper understanding of the ICC's prosecution role, its achievements, its limitations and the practical challenges affecting international criminal accountability.

3.5 Ethical Considerations

According to Bhandari (2024), ethical considerations are the principles that guide the researcher in protecting participants from harm and ensuring that the study is conducted in a responsible manner. Ethical considerations are important in qualitative research because participants may share opinions, interpretations and professional judgments that need to be handled with care. This study examined the efforts of the International Criminal Court in prosecuting alleged international criminals, a subject that involves legal, political and diplomatic sensitivities. The researcher was therefore guided by ethical principles such as informed consent, confidentiality, voluntary participation, objectivity, respect for participants and responsible use of information.

In this study, informed consent was obtained from participants before data collection. Participants were informed about the purpose of the study, the nature of their participation, the type of questions to be asked and how the information would be used. Creswell and Creswell (2023) state that informed consent is essential because participants must understand the study before deciding whether to participate. No participant was forced to take part in the study, and participants were free to withdraw if they felt uncomfortable. This was important because the study dealt with international justice, state cooperation, prosecution challenges and politically sensitive matters involving the ICC.

3.5.1 Confidentiality

The researcher also observed confidentiality and privacy. Participants were assured that their names and personal details would not be disclosed in the final dissertation. Instead, their responses were treated as research data and used only for academic purposes. Saunders, Lewis and Thornhill (2023) argue that confidentiality protects participants and encourages honest responses, especially where the research topic involves professional or sensitive opinions. In this study, confidentiality was important because some participants gave views on international

institutions, state conduct and prosecution challenges, which could be sensitive if linked directly to them.

Objectivity was also maintained during the research process. The researcher avoided presenting personal political opinions as findings and relied on information obtained from participants, scholarly literature, ICC documents and other credible sources. This was necessary because the ICC remains a contested institution, with some scholars viewing it as an important tool for accountability while others criticise it for selectivity, delays and enforcement weaknesses. Ethical research required the researcher to present these views fairly without forcing the findings to support a predetermined position.

3.6 Trustworthiness

Trustworthiness refers to the extent to which qualitative research findings can be considered credible, dependable, confirmable and transferable. In qualitative research, trustworthiness is important because the study depends on meanings, interpretations and detailed explanations rather than statistical testing. According to Creswell and Creswell (2023), qualitative researchers must show that the findings are grounded in reliable sources, clearly collected data and transparent interpretation. In this study, trustworthiness was ensured by carefully selecting knowledgeable participants, using an interview guide aligned with the research objectives, and supporting interview findings with documentary evidence from ICC reports, legal documents, journal articles and scholarly texts.

3.6.1 Credibility

Credibility was ensured by collecting data from participants with relevant knowledge of international relations, international law, human rights and international criminal justice. Since the study examined the efforts of the International Criminal Court in prosecuting alleged international criminals, participants were selected because they could provide informed views on ICC prosecution mechanisms, investigations, state cooperation and enforcement challenges. The researcher also used document analysis to compare participant responses with official and academic sources. This helped to reduce the risk of relying on unsupported personal opinions. As Nassaji (2020) argues, credibility in qualitative research improves when findings are supported by rich data and careful interpretation.

Dependability was addressed by following a clear and consistent research process. The same interview guide was used across the selected participants, although follow-up questions were asked where clarification was needed. This ensured that all participants responded to questions linked to the same study objectives. The researcher also kept records of interview notes, documentary sources and emerging themes to make the research process traceable. According to Saunders, Lewis and Thornhill (2023), dependability is strengthened when the researcher clearly explains the procedures followed during data collection and analysis.

3.6.2 Confirmability

Confirmability was ensured by limiting personal bias during the interpretation of findings. The researcher focused on evidence obtained from participants and documents rather than personal assumptions about the International Criminal Court. Findings were interpreted in relation to the study objectives and supported by relevant literature where necessary.

3.6.3 Transferability

Transferability was addressed by providing enough contextual detail about the population, sample, data collection methods and focus of the study. Although the findings were not meant for statistical generalisation, they may provide useful insights for related studies on international criminal justice, state cooperation and the prosecution of alleged international criminals.

3.6.4 Transparency and Accountability

Transparency was observed by clearly explaining the purpose of the study to participants before interviews were conducted. The researcher informed participants that the study focused on the efforts of the International Criminal Court in prosecuting alleged international criminals and that their responses would be used for academic purposes only. This helped to build trust between the researcher and participants. Accountability was also maintained by ensuring that data was collected, recorded and interpreted honestly. The researcher avoided misrepresenting participant views and ensured that information from documents was properly acknowledged through citations and referencing

3.7 Chapter Summary

This chapter provided the research methodology used in examining the efforts of the International Criminal Court in prosecuting alleged international criminals. The chapter explained that the study adopted a qualitative research philosophy because the subject required detailed interpretation of legal, political and institutional issues rather than numerical measurement. The research approach was also qualitative, allowing the researcher to explore ICC prosecution mechanisms, investigations, state cooperation and measures for improving prosecutorial effectiveness through detailed participant views and documentary evidence. The chapter further presented the population sample, which consisted of participants with knowledge of international relations, international law, human rights, diplomacy and global justice.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.1 Introduction

This chapter presents, analyses and discusses the findings on the efforts of the International Criminal Court in prosecuting alleged international criminals. The data are organised according to the four research questions of the study, focusing on ICC prosecution mechanisms, the contribution of investigations, the influence of state cooperation, and measures for improving prosecution. Data were drawn from twelve purposively selected participants, including lecturers, legal practitioners, human rights officers, political analysts, civil society practitioners and academics. The chapter also uses document analysis to support interview findings with ICC reports, legal materials and scholarly literature. Thematic analysis was applied to identify recurring views, opposing perspectives and key issues affecting ICC prosecution efforts. The next section presents findings on ICC prosecution mechanisms.

Table 4.1: Profile of Participants

Participant Category	**Number of Participants**	**Percentage**
Legal practitioners	3	25.0%
University lecturers/Academics	3	25.0%
Human rights officers	2	16.7%
Political analysts	2	16.7%
Civil society practitioners	2	16.7%
Total	12	**100%**

Figure 4.1: Composition of Participants *(Pie Chart or Bar Graph)*

The participant profile demonstrates that the study drew perspectives from diverse stakeholders involved in international criminal justice, thereby enhancing the credibility and richness of the findings.

4.2 Prosecution Mechanisms Used by the International Criminal Court in Handling Cases Involving Alleged International Criminals

The prosecution mechanisms uses by the International Criminal Court emerged as one of the central issues raised by the participants. The responses showed that the ICC uses a formal legal process when handling cases involving alleged international criminals. Participants generally understood prosecution before the Court as a gradual process which begins with jurisdictional consideration, proceeds to investigations, and may later lead to arrest warrants, summons, confirmation of charges, trial, appeal and reparations. The issue was viewed as important because the ICC does not function like a domestic police or criminal court system. Its ability to prosecute depends on legal procedures, evidence, judicial approval and cooperation from states.

Participants generally agreed that the ICC uses recognised legal procedures when handling cases involving alleged international criminals. Participant 1, a university lecturer in International Relations, stated that:

> "The ICC follows a legal path. It considers jurisdiction, investigates allegations, requests warrants, confirms charges and proceeds to trial where evidence is strong."

Participant 2, a legal practitioner, shared the same view and noted that:

> "The Court cannot prosecute any matter anyhow. The alleged crime must fall under genocide, war crimes, crimes against humanity or aggression."

The views above show that participants regarded jurisdiction as the first important mechanism

in ICC prosecution. This means that the Court must establish whether the alleged conduct falls within its legal mandate before it can proceed. Schabas (2020) argues that the ICC's authority is limited by jurisdiction, admissibility and the Rome Statute framework. In the same way, Stahn (2020) notes that international criminal prosecution requires careful legal filtering because the Court deals with crimes of serious international concern. Therefore, the participants' views suggest that ICC prosecution is not based on political emotion, but on a legal threshold that must first be satisfied. For example, Sudan and the Democratic Republic of Congo (DRC). In Sudan, the ICC was able to exercise jurisdiction over crimes committed in Darfur only after the United Nations Security Council referred the situation to the Court through Resolution 1593 in 2005 (United Nations Security Council, 2005).

This referral formed the legal basis for investigations and subsequent arrest warrants against individuals such as Omar al-Bashir, Ahmad Harun and Ali Kushayb (International Criminal Court, 2024; Schabas, 2020). In the DRC, the government voluntarily referred the situation to the ICC in 2004, enabling the Court to investigate crimes committed during the conflict in the eastern regions of the country (International Criminal Court, 2024). This led to the prosecution of Thomas Lubanga for the recruitment and use of child soldiers, as well as Germain Katanga and Bosco Ntaganda for war crimes and crimes against humanity (Ambos, 2021; Cryer et al., 2019). These examples demonstrate that the ICC can only proceed once a valid jurisdictional basis has been established. Therefore, the participants' views suggest that ICC prosecution is not based on political emotion, but on a legal threshold which must first be satisfied (Schabas, 2020; Stahn, 2020).

Participants also agreed that investigations form a key part of the ICC's prosecution mechanism. Participant 3, a human rights officer, observed that:

> "Investigations are central because allegations alone cannot convict anyone. The Prosecutor must link the crimes to specific individuals through evidence."

Participant 4, a civil society practitioner, supported this view by stating that:

> "Victims may describe what happened, but the Court still needs witnesses, documents and evidence that can stand during trial."

These views show that participants understood the difference between public knowledge of atrocities and legal proof. In cases involving war crimes, genocide and crimes against humanity, the ICC must prove not only that crimes happened, but also that a particular accused person was responsible. Cryer, Robinson and Vasiliev (2020) explain that international criminal prosecution requires proof of individual criminal responsibility, including planning, ordering, aiding, command responsibility or failure to prevent crimes. Ambos (2021) also argues that this is difficult in international crimes because violence is often committed through organised structures, military units, armed groups and political leadership networks. The participants' responses therefore, show that investigations are not an ordinary stage, but the foundation upon which prosecution is built. An example of this challenge can be seen in the ICC cases of Thomas Lubanga, Bosco Ntaganda, and Dominic Ongwen.

In the Lubanga case, prosecutors had to rely on witness testimony, documentary evidence, and expert reports to prove that he was responsible for the enlistment and conscription of child soldiers in the Democratic Republic of Congo (International Criminal Court, 2012). Similarly, in the Ntaganda case, the prosecution presented extensive evidence linking him to crimes committed by armed groups under his command in eastern Congo, resulting in his conviction for war crimes and crimes against humanity (International Criminal Court, 2019). In the Ongwen case, the Court examined evidence from former combatants, victims and experts to establish his responsibility as a commander in the Lord's Resistance Army for crimes committed in northern Uganda (International Criminal Court, 2021). These cases demonstrate that successful prosecution depends on thorough investigations capable of linking crimes to specific individuals rather than merely proving that atrocities occurred. The participants' responses therefore show that investigations are not an ordinary stage, but the foundation upon which prosecution is built (Ambos, 2021; Cryer et

al., 2020).

Another common view was that arrest warrants and summons are important tools used by the ICC to bring alleged international criminals before the Court. Participant 5, a political analyst, submitted that:

> "An arrest warrant places the suspect under international pressure. It affects movement, reputation and the political comfort of the accused person".

Participant 6, a postgraduate International Relations student, gave a similar view:

> "The warrant shows that the Court has acted, but the person must still be arrested before any real trial begins."

These responses suggest that arrest warrants have both legal. They show that the ICC has moved from general investigation to identifying specific suspects. However, the participants also recognised that warrants are not equal to completed prosecutions. Kersten (2021) argues that the ICC has legal authority to issue warrants, but it does not have its own police force to execute them. This creates a gap between judicial action and practical enforcement. The same point is raised by Mills and Bloomfield (2022), who note that the legitimacy of international criminal justice depends on whether legal actions translate into visible accountability for affected communities. For example, this challenge can be seen in the case of former Sudanese President Omar al-Bashir. The ICC issued arrest warrants against him in 2009 and 2010 for genocide, war crimes, and crimes against humanity committed in Darfur, yet for many years he remained at large because several states failed to arrest and surrender him despite the warrants (International Criminal Court, 2024; Kersten, 2021).

Similarly, arrest warrants were issued against Joseph Kony and other leaders of the Lord's Resistance Army in Uganda in 2005, but Kony has not yet been arrested, demonstrating the difficulties the Court faces when suspects operate in unstable regions beyond effective state control (Allen, 2006; International Criminal Court, 2024). In contrast, the arrest and transfer of Bosco Ntaganda to the ICC in 2013 showed that when state cooperation is available, arrest warrants can lead to successful prosecutions and convictions

(International Criminal Court, 2019). These examples illustrate that while arrest warrants are an important prosecution mechanism, their effectiveness ultimately depends on the willingness and ability of states to cooperate with the Court. Therefore, the participants correctly recognised that the issuance of a warrant represents progress in a case, but does not guarantee that justice will be achieved.

The findings show that the ICC uses a wide range of prosecution mechanisms, including jurisdictional assessment, complementarity, investigations, arrest warrants, summons, confirmation of charges, trial proceedings, appeals, victim participation and reparations. These mechanisms are important because they give the Court a structured legal pathway for dealing with alleged international criminals. The responses from participants show that the ICC is not expected to act on allegations alone. It must establish jurisdiction, gather evidence, identify suspects and satisfy judges that charges are legally supported. This is consistent with Schabas (2020), who argues that the ICC's authority rests on legal procedure and the Rome Statute. Stahn (2020) also explains that the Court's legitimacy depends on balancing accountability with due process, especially because international criminal accusations may involve political leaders, military commanders, and armed group officials such as Omar al-Bashir and Slobodan Milošević.

The same views given by participants reflect the liberal understanding of international criminal justice. Liberalism views institutions such as the ICC as important mechanisms for promoting cooperation, accountability and human rights within the international system. From this perspective, the ICC's prosecution mechanisms represent progress because they create a formal route through which individuals accused of serious international crimes can be held accountable. Cryer, Robinson and Vasiliev (2020) note that international criminal law developed from the idea that certain crimes are so grave that they concern the international community as a whole. Clark (2021) also argues that the ICC has contributed to strengthening the norm that individuals, including those in authority, may be held criminally responsible for mass atrocities such as Omar AL-Bashir, Uhuru Kenyatta, Willian Ruto, and Bosco Ntaganda.

However, the opposing views show that the ICC's mechanisms are limited when enforcement is weak. Arrest warrants may carry legal authority, but they cannot produce trials unless suspects are arrested and surrendered. Investigations may identify evidence, but they may fail where crime scenes are inaccessible, witnesses are intimidated or governments refuse to cooperate. For example, in the Darfur situation in Sudan, ICC investigators faced difficulties accessing crime scenes and obtaining cooperation from Sudanese authorities, which affected evidence collection and the execution of arrest warrants against suspects such as Omar al-Bashir. Kersten (2021) argues that this enforcement gap is one of the ICC's central weaknesses because the Court depends heavily on states for arrests and surrender. Nouwen (2020) further observes that international criminal justice is affected by global power inequalities, meaning that some accused persons may be more exposed to prosecution than others depending on political protection, alliances and state cooperation.

The findings also show that the ICC's prosecution mechanisms have symbolic and practical dimensions. Symbolically, investigations and arrest warrants may communicate that serious crimes are not being ignored. They may isolate suspects, limit diplomatic movement and strengthen victims' belief that accountability remains possible. Practically, however, these mechanisms only become meaningful when they lead to courtroom proceedings and credible outcomes. Mills and Bloomfield (2022) argue that the legitimacy of the ICC depends on how its actions are perceived by states, victims, and affected communities. In such contexts, one can argue that justice must not only be legally correct, but must also carry meaning for victims who experienced the crimes.

Table 4.2: Prosecution Mechanisms Identified by Participants

Prosecution Mechanism	Frequency Percentage
Investigations and evidence gathering 12	100%
Jurisdictional assessment 12	100%
Arrest warrants and summons 10	83.3%
State cooperation and surrender 10	83.3%
Trial proceedings 9	75%
Victim participation and reparations 7	58.3%
Appeals 6	50%

Figure 4.2: Prosecution Mechanisms Identified by Participants *(Bar Graph)*

The findings indicate that every participant regarded investigations and jurisdictional assessment as indispensable components of ICC prosecution, while fewer participants highlighted appeals and reparations.

4.3 Contribution of ICC Investigations to the Prosecution of Alleged International Criminals

The contribution of ICC investigations is as a major issue because prosecution depends on the strength of the evidence brought before the Court. The participants generally viewed investigations as the stage where allegations are tested, evidence is gathered, suspects are identified and links are made between alleged crimes and individual criminal responsibility. In this regard, investigations were not viewed as a minor procedural step, but as the foundation of prosecution. The views also showed that ICC investigations are complicated by conflict conditions, witness fear, political resistance, destroyed records and limited access to crime scenes.

Most participants agreed that investigations contribute directly to prosecution by helping the Court move from general accusations to evidence that can be used in trial. Participant 1, a human rights officer, stated that:

> "Investigations help the ICC move from public claims to legal evidence by identifying victims, witnesses, documents and suspects connected to the crimes."

Participant 2, a legal practitioner, shared a similar view and submitted that:

> "A case cannot survive at the ICC if investigations fail to connect the accused person to the crime through admissible evidence."

The views above show that participants understood investigation as the bridge between allegation and prosecution. This is important because international crimes are often known publicly before they are proven legally. A massacre, forced displacement or attack on civilians may be widely reported, but the ICC still requires evidence showing who ordered, planned, assisted or failed to prevent the crime. Cryer, Robinson and Vasiliev (2020) argue that international criminal prosecution depends on proving individual criminal responsibility rather than merely proving that violence occurred.

Similarly, Ambos (2021) states that the prosecution of international crimes requires

clear legal proof linking the accused person to the criminal conduct, especially where crimes are committed through military or political structures. For example, although the recruitment of child soldiers in the Democratic Republic of Congo was widely known, the ICC had to conduct extensive investigations before securing the conviction of Thomas Lubanga by proving his individual responsibility for the crime (International Criminal Court, 2012). Likewise, in the case of Dominic Ongwen, the Court relied on witness testimony and documentary evidence to establish his responsibility for crimes committed by the Lord's Resistance Army in Uganda (International Criminal Court, 2021). These examples demonstrate that investigations are essential in transforming allegations of international crimes into legally proven cases.

Participants also agreed that investigations assist the ICC in identifying suspects and patterns of violence. Participant 3, a university lecturer in International Law, noted that:

> "ICC investigations help to show whether crimes were isolated events or part of a wider policy, command structure or organised attack."

Participant 4 also observed that:

> "The investigations help the Court understand who was in control, who gave instructions, and whether the violence followed a clear pattern."

These responses show that investigations contribute to prosecution by establishing the context in which crimes occurred. This is particularly important in crimes against humanity, where the Prosecutor must show that the crimes formed part of a widespread or systematic attack against a civilian population. De Hoon (2021) explains that international criminal justice often requires attention to patterns of victimisation, command structures and organised conduct. This view is also supported by Stahn (2020), who argues that international criminal cases are different from ordinary criminal cases because they often involve collective violence, policy decisions and institutional responsibility. For example, in the Kenya situation arising from the 2007–2008 post-election violence, ICC investigators sought to establish that killings, forcible transfers and other crimes were part of a widespread and systematic attack against civilians rather than isolated incidents (International Criminal Court, 2012).

Similarly, in the Darfur situation in Sudan, investigations focused on demonstrating patterns of attacks against civilian populations and the involvement of government officials and allied militia groups in carrying out the crimes (Schabas, 2020; International Criminal Court, 2024). These examples show that investigations help prosecutors establish not only what crimes occurred but also the broader context and organisational structures behind them.

Participants further agreed that investigations are important in preserving evidence before it disappears. Participant 5, a civil society practitioner, stated that:

> "In conflict situations, evidence can disappear quickly because people flee, documents are destroyed and witnesses are hard to come by."

Participant 6, a political analyst, shared the same concern and said:

> "If the ICC delays investigations, the crime scene changes, witnesses relocate and political actors may interfere with the available evidence."

These same views show that investigations are time-sensitive. The ICC often investigates crimes that occur in unstable environments where fighting may still be ongoing. Witnesses may be displaced, killed, threatened or traumatised. Documents may be hidden or destroyed. Armed actors may control the areas where crimes have happened. For example, in the Darfur situation in Sudan, ICC investigators faced difficulties accessing crime scenes and collecting evidence because of insecurity and limited cooperation from national authorities (Schabas, 2020; International Criminal Court, 2024).

Similarly, investigations in the Democratic Republic of Congo were complicated by continuing armed conflict, population displacement and the presence of multiple militia groups in the affected regions (Cryer et al., 2020). In the Kenya post-election violence cases, the ICC also encountered challenges related to witness intimidation and witness withdrawal, which affected the prosecution's ability to present evidence (Stahn, 2020). These examples demonstrate why investigations must be conducted promptly before evidence is lost and witnesses become unavailable.

Although participants agreed that investigations are important, some questioned whether ICC investigations always lead to effective prosecution. Participant 7, a political analyst, argued that:

> "The ICC may investigate for years, but if suspects are protected politically, investigation alone will not bring anyone to trial."

Participant 8, a legal practitioner, also raised a related concern:

> "A strong investigation is useful, but it becomes limited when the accused person is not arrested and surrendered to the Court."

These opposing views show that investigations may contribute to prosecution, but they cannot replace arrest and surrender. The ICC may gather evidence and identify suspects, but a trial cannot proceed fully unless the accused person appears before the Court. Kersten (2021) argues that the ICC's prosecutorial work is weakened by its dependence on states to execute arrest warrants. Nouwen (2020) also notes that international criminal justice is shaped by political realities, especially where states protect leaders, allies or military officials from accountability. Therefore, investigations are necessary, but they are not sufficient where enforcement remains weak. For example, although the ICC conducted extensive investigations in the Darfur situation and issued arrest warrants against former Sudanese President Omar al-Bashir in 2009 and 2010, he remained at large for many years because states failed to arrest and surrender him to the Court (International Criminal Court, 2024; Schabas, 2020). Similarly, the ICC issued arrest warrants against Joseph Kony and other leaders of the Lord's Resistance Army in 2005, yet Kony has never been apprehended despite ongoing efforts to locate him (International Criminal Court, 2024).

These examples demonstrate that investigations can establish criminal responsibility and identify suspects, but successful prosecution ultimately depends on effective enforcement a state cooperation. Therefore, investigations are necessary, but they are not sufficient where enforcement remains weak

Participant 9, a human rights officer, raised another opposing view concerning witness protection. The participant stated that:

> "Witnesses may cooperate with investigators, but if they fear revenge, they may withdraw, change statements or refuse to testify later."

This response shows that investigations are affected by fear and insecurity among witnesses. In many ICC situations, witnesses come from conflict-affected communities where armed groups, state officials or local commanders may still have influence. If witnesses are not protected, the quality of evidence may weaken before trial. Bantekas and Nash (2021) argue that international criminal investigations are difficult because witnesses may face intimidation, displacement and trauma. De Hoon (2021) also emphasises that victims and witnesses should not be treated merely as evidence providers, but as persons who require protection and recognition.

Participant 10, a civil society practitioner, questioned the ICC's reliance on distant investigation processes. The participant submitted that:

> "Sometimes affected communities feel that investigators arrive late, speak to few people and leave without fully understanding local suffering."

This opposing view suggests that investigations may be criticised when affected communities feel excluded or underrepresented. The ICC may follow legal standards, but local communities may judge investigations according to whether they feel heard and respected. Mills and Bloomfield (2022) argue that legitimacy is important in international criminal justice because affected communities must perceive justice processes as fair and meaningful. Therefore,

investigations must not only satisfy legal requirements; they must also be sensitive to victims' experiences and local realities.

The findings show that ICC investigations contribute to prosecution in several ways. First, they help the Prosecutor collect evidence from witnesses, victims, documents, digital sources, forensic material and official records. Second, they assist in identifying suspects who may bear individual criminal responsibility. Third, they help establish whether crimes were isolated incidents or part of a wider pattern of violence. Fourth, they support the preparation of cases that can proceed through confirmation of charges and trial Ambos (2021) also confirms that prosecutors must prove responsibility through legally recognised modes such as ordering, planning, aiding, command responsibility or contribution to a common criminal purpose.

The same views given by participants show strong recognition of investigations as the backbone of ICC prosecution. This finding is consistent with liberal institutional thinking, which views the ICC as a rules-based institution that must rely on evidence, procedure and judicial review. Under this view, investigations help prevent revenge-based justice because the Court must prove cases through law rather than emotion. Schabas (2020) argues that the ICC's legitimacy depends on fair trial standards and credible evidence. Stahn (2020) also notes that international criminal proceedings must balance accountability with the rights of the accused. Therefore, investigations contribute to prosecution by giving legal discipline to the pursuit of justice.

However, the opposing views show that investigations face serious practical limitations. Participants raised concerns about political protection of suspects, non-arrest, witness intimidation, delayed evidence collection and weak community engagement. Freeman and Vazquez Llorente (2021) argue that digital evidence has opened new opportunities for international criminal accountability, but it also creates challenges of verification, preservation and admissibility. This is important because digital evidence can support prosecutions where investigators cannot immediately access crime scenes. However, if

such material is not properly authenticated, it may be challenged in court.

4.4 Extent to Which State Cooperation Affects the Prosecution of Alleged International Criminals by the International Criminal Court

State cooperation on non-cooperation is very vital in determining outcomes. Participants repeatedly indicated that the ICC's prosecution efforts depend heavily on the willingness of states to assist the Court. This includes arresting suspects, surrendering accused persons, protecting witnesses, allowing investigators access to crime scenes, preserving evidence, enforcing sentences and supporting victim-related processes. Although the ICC has legal authority under the Rome Statute, the participants noted that the Court cannot operate effectively without the practical assistance of states. The issue of state cooperation is therefore viewed as the point where law and politics meet most clearly in ICC prosecutions.

Most participants agreed that state cooperation is central to the prosecution of alleged international criminals. Participant 1, a legal practitioner, submitted that:

> "The ICC can issue warrants, but it needs states to arrest suspects, surrender them and provide access to evidence and witnesses."

Participant 2, a university lecturer stated that:

> "State cooperation in theory is mandatory but this is not the case in practice. Without it, the ICC becomes a court with authority but limited enforcement power."

These views show that state cooperation is a practical requirement for prosecution. The ICC does not have its own police force, prison system for arresting suspects, or direct control over

national territories. It therefore depends on states to implement many parts of its mandate. Kersten (2021) argues that this dependence creates a major enforcement gap because the Court may make legal decisions which it cannot enforce on its own. For example, the ICC issued arrest warrants against former Sudanese President Omar al-Bashir for genocide, war crimes and crimes against humanity in Darfur, but several states failed to arrest him when he visited their territories, allowing him to evade surrender for many years (Schabas, 2020; International Criminal Court, 2024). Similarly, the arrest warrant issued against Joseph Kony in 2005 has not been executed because states have been unable to locate and apprehend him despite international efforts (International Criminal Court, 2024).

In contrast, the successful arrest and transfer of Bosco Ntaganda to the ICC in 2013 demonstrated how state cooperation can enable prosecution to proceed effectively (Cryer et al., 2020). These examples illustrate that the effectiveness of ICC prosecutions depends not only on legal decisions but also on the willingness and ability of states to cooperate with the Court. Schabas (2020) also notes that international criminal justice depends on the willingness of states to give effect to the Court's decisions. The findings therefore show that state cooperation affects prosecution at the most basic level, because suspects cannot be tried if they are not brought before the Court.

Participants also agreed that cooperation affects investigations. Participant 3, a human rights officer, noted that:

> "When states cooperate, investigators can access documents, witnesses and crime scenes. When they refuse, evidence becomes difficult to collect."

Participant 4, a civil society practitioner, added that:

> "The Court needs local access. Without cooperation from authorities, communities may fear speaking and evidence may disappear before investigators arrive."

These responses show that cooperation is not only about arresting suspects. It also affects evidence collection and witness engagement. Where states cooperate, they may allow investigators to enter territory, access official records, interview witnesses and preserve relevant material. Where states refuse, investigations may depend on remote evidence, refugees, civil society reports or open-source material. Ambos (2021) argues that international crimes require strong evidence linking accused persons to specific conduct, which becomes difficult where investigators cannot access relevant information.

Bantekas and Nash (2021) also observe that conflict environments create evidence challenges because witnesses may be displaced, threatened or traumatised. For example, in Darfur, limited cooperation from Sudan made access to evidence and crime scenes difficult, while in the Kenya cases some witnesses withdrew or reported intimidation, affecting the prosecution's evidence base (Schabas, 2020; Stahn, 2020). These examples show that state cooperation is essential for effective investigations.

Another shared view was that state cooperation influences the credibility of the ICC. Participant 5, a political analyst, stated that:

> "If suspects move freely despite warrants, people begin to question whether the ICC is serious or only symbolic."

Participant 6, a postgraduate International Relations student, gave a related view:

> "The Court may be respected legally, but its image suffers when accused persons are not arrested for many years."

These views suggest that non-cooperation weakens public confidence in the ICC. Victims and affected communities may see arrest warrants as empty if suspects continue to hold office, travel or receive political protection. Mills and Bloomfield (2022) argue that legitimacy is central to international criminal justice because the Court must be seen as fair, effective and meaningful. Clark (2021) also notes that the ICC has strengthened the norm of individual responsibility, but that its credibility is affected when cases remain incomplete due to enforcement problems. Therefore, state cooperation affects not only prosecution outcomes, but also the Court's moral and institutional standing.

For example is former Sudanese President Omar al-Bashir, who was the subject of ICC arrest warrants for genocide, crimes against humanity and war crimes in Darfur. Despite these warrants, he travelled to several African countries, including Chad, Kenya, Djibouti, South Africa and Uganda, without being arrested. Many African governments argued that arresting a sitting head of state could undermine regional peace, diplomatic relations and African Union solidarity. As a result, the failure to arrest al-Bashir raised questions about the effectiveness of ICC decisions and weakened confidence among some victims seeking justice (Schabas, 2020; Kersten, 2021). Therefore, state cooperation affects not only prosecution outcomes, but also the Court's moral and institutional standing.

Although participants largely agreed that state cooperation is necessary, some argued that dependence on states exposes the ICC to political manipulation. Participant 7, a political analyst, argued that:

> "States cooperate when it suits them. When prosecution touches allies or powerful leaders, cooperation becomes selective and political."

Participant 8, a lecturer in International Law, supported this critical view and noted that:

> "The law may require cooperation, but international politics decides whether some states comply quickly, slowly or not at all."

These opposing views show that state cooperation is not always neutral. Some states may support ICC action against political rivals while resisting accountability when their own officials or allies are involved. This reflects the realist argument that states act according to national interest, power and security calculations. Nouwen (2020) argues that international criminal justice operates within a global system where power inequalities influence legal outcomes. Hillebrecht (2021) also observes that compliance with international justice institutions is often shaped by domestic politics, diplomatic pressure and strategic interest. Therefore, the problem is not only whether states cooperate, but whether cooperation is consistent and impartial.

Participant 9, a human rights officer, raised an opposing concern about weak governments. The participant stated that:

> "Sometimes the state may want to cooperate, but it may not control the territory where crimes occurred or where suspects are hiding."

This view introduces a different angle. Non-cooperation is not always deliberate refusal. In some conflict situations, a government may lack effective control over territory, armed groups, borders or security institutions. This can limit its capacity to arrest suspects or assist investigations. Stahn (2020) explains that international criminal justice often operates in fragile situations where state authority is contested. Labuda (2023) also argues that cooperation with national authorities may be difficult where institutions are weak, divided or affected by conflict. The participant's view therefore, shows that state cooperation may be limited by incapacity as well as unwillingness.

For example, in Libya after the 2011 conflict, the ICC faced challenges in securing the surrender of suspects such as Saif al-Islam Gaddafi because competing authorities controlled different parts of the country and the central government lacked full enforcement capacity (International Criminal Court, 2024). Similarly, in the Democratic Republic of Congo, ongoing insecurity in eastern regions has at times limited state authorities' ability to fully cooperate with ICC investigations due to the presence of armed groups and weak administrative control (Cryer et al., 2020). The participant's view therefore shows that state cooperation may be limited by incapacity as well as unwillingness.

Participant 10, a civil society practitioner, also warned that overreliance on states can affect victims. The participant submitted that:

> "When governments control access to evidence, victims may fear that their stories will be filtered, delayed or politicised."

This response shows that cooperation with states may create risks where governments are themselves implicated in alleged crimes or where they control information selectively. In such cases, the ICC must be careful not to rely only on official channels. De Hoon (2021) argues that victims must be treated as rights-holders in international criminal justice, and their voices should not be lost within diplomatic processes. This means that cooperation should include states, but should also involve civil society, affected communities, regional actors and independent evidence sources.

The discoveries show that state cooperation affects ICC prosecution in direct and indirect ways. Directly, it determines whether suspects are arrested, surrendered and brought before the Court. Without arrest and surrender, prosecution cannot fully proceed because the ICC generally requires the presence of the accused person for trial. This confirms Kersten's (2021) argument that the ICC has judicial authority but limited enforcement capacity. Schabas (2020) also observes that the Court's ability to prosecute depends heavily on states because it lacks coercive power of its own. The participants' views therefore show that state cooperation is not a secondary issue; it is central to the practical success of ICC prosecution.

State cooperation also affects investigations. Participants noted that evidence collection becomes stronger when states allow access to crime scenes, documents, witnesses, official records and forensic material. This supports Ambos (2021), who argues that international criminal prosecution requires reliable evidence linking accused persons to crimes. Cryer, Robinson and Vasiliev (2020) also explain that international crimes are difficult to prosecute because responsibility may be hidden behind command structures, political authority and organised violence. Where states cooperate, prosecutors may be able to build stronger cases. Where they refuse, cases may become delayed, weaker or dependent on indirect evidence.

The discoveries also show that cooperation affects the legitimacy of the ICC. If warrants remain unenforced for long periods, victims may lose confidence in the Court. This is especially serious where accused persons continue to occupy positions of power or travel without arrest. Mills and Bloomfield (2022) argue that the legitimacy of international criminal justice depends not only on legal procedure, but also on whether affected communities believe justice is being pursued fairly and meaningfully. Clark (2021) further notes that the ICC's contribution to accountability is weakened when legal action is not followed by visible consequences. Therefore, state cooperation influences both the outcome and public meaning of ICC prosecution.

The opposing views show that cooperation is deeply political. Some states may cooperate because it supports their foreign policy interests, while others may resist where cooperation threatens national officials, allies or strategic partners. This reflects realism, which views the international system as shaped by sovereignty, power and national interest. Nouwen (2020) argues that international criminal justice cannot be separated from global political inequality. Hillebrecht (2021) also notes that states may comply selectively with international obligations depending on domestic and international pressures. This helps explain why the ICC may receive strong support in some situations and open resistance in others.

However, liberalism still helps to explain why cooperation remains possible and necessary. The Rome Statute created legal obligations for states parties to support the Court. Through cooperation, states contribute to a rules-based international order that rejects impunity for serious crimes. Stahn (2020) argues that the ICC represents an institutional attempt to transform accountability from a political preference into a legal obligation. From this view, state cooperation is the bridge between international legal norms and practical justice. Without cooperation, the ICC's mandate remains incomplete; with cooperation, the Court can turn investigations and warrants into actual prosecutions.

4.5 Measures to Improve the Prosecution of Alleged International Criminals by the International Criminal Court

The measures for improving the prosecution of alleged international criminals were raised as the final major issue in the findings. Participants accepted that the ICC has made visible efforts in international criminal justice, especially through investigations, arrest warrants, trials and victim participation. However, they also argued that the Court's prosecution work can be improved because many challenges continue to affect its effectiveness. The major measures identified by participants included stronger state cooperation, better enforcement of arrest warrants, improved investigative capacity, stronger witness and victim protection, greater institutional funding, effective complementarity with national courts, and reduction of selective justice concerns.

Most participants agreed that stronger state cooperation is the most important measure for improving ICC prosecution. Participant 1, a legal practitioner, stated that:

> "The ICC will only improve if states take cooperation seriously, especially on arrests, surrender of accused persons and evidence sharing."

Participant 2, a university lecturer in International Relations, supported this view and noted that:

> "The Court needs political support from states. Without cooperation, even strong legal decisions may fail to produce actual prosecution."

These views show that participants placed state cooperation at the centre of any reform meant to improve ICC prosecution. Their position was that the Court already has legal procedures, but those procedures become weak where states refuse to enforce warrants or deny investigators access to evidence. This is noted by Kersten (2021), who spunes that the ICC's effectiveness depends heavily on state cooperation because it has no independent police force. Schabas (2020) also observes that international criminal justice cannot operate effectively when states refuse to arrest suspects or assist the Court. Therefore, improved cooperation was viewed by participants as the first practical step towards stronger prosecution.

For example, in the case of Sudan, the ICC issued arrest warrants for senior officials, including former President Omar al-Bashir, yet his arrest was not executed for many years because several states failed to detain him when he travelled internationally, demonstrating the limits of enforcement without cooperation (International Criminal Court, 2024). Similarly, in the Democratic Republic of Congo, although the ICC successfully relied on state cooperation to transfer suspects such as Thomas Lubanga to The Hague, ongoing insecurity in some regions continues to show how prosecution depends on both legal procedures and practical support from national authorities (Cryer et al., 2020). These examples highlight that strengthening state cooperation is essential for making ICC prosecution more effective in practice.

Participants also agreed that the ICC should improve its investigative capacity. Participant 3, a human rights officer, observed that:

> "The Court must improve investigations through better technology, faster evidence collection, and stronger protection for people who give information."

Participant 4, a civil society practitioner, also submitted that:

> "Investigators should reach affected communities early, because witnesses relocate, evidence disappears and victims may lose trust when justice delays".

These responses show that participants believed prosecution can be improved through stronger and faster investigations. International crimes often occur in unstable places where records are destroyed, communities are displaced and witnesses are threatened. If the ICC delays evidence collection, the quality of cases may be weakened. Freeman and Vazquez Llorente (2021) argue that modern international criminal investigations now require digital evidence, satellite imagery, open-source intelligence and careful verification. Ambos (2021) also notes that international criminal cases require strong evidence linking the accused person to the crime. Therefore, better investigative capacity may increase the chances of building cases that can survive trial.

Another common view was that victim and witness protection should be strengthened. Participant 5, a human rights officer, stated that:

> "Witnesses cannot speak freely if they fear revenge. The ICC must protect them before, during and after proceedings."

Participant 6, a postgraduate International Relations student, shared a similar view and said:

> "Victims need protection and support, because some of them are traumatised and may fear being exposed during the process."

These responses suggest that prosecution is not only a legal activity; it also involves the safety and dignity of people who have suffered or witnessed serious crimes. Witnesses may withdraw evidence where they fear retaliation, and victims may lose confidence if they feel used only as sources of information. De Hoon (2021) argues that victims in international criminal justice should be treated as rights-holders, not merely as evidence providers. Bantekas and Nash (2021) also note that witness intimidation, trauma, and displacement are common challenges in international criminal cases. The participants' views, therefore, show that improving prosecution requires stronger human protection systems. For example, in the Kenya post-election violence cases before the ICC, several witnesses withdrew or altered their testimony due to intimidation and security concerns, which significantly affected the strength of the prosecution's case (International Criminal Court, 2012; Stahn, 2020).

Similarly, in the Democratic Republic of Congo cases, the ICC relied heavily on protection measures for witnesses due to risks of retaliation from armed groups, highlighting the vulnerability of those who participate in proceedings (Cryer et al., 2020). These examples show that effective prosecution depends not only on legal procedures but also on strong systems for protecting victims and witnesses.

Participants further agreed that complementarity should be made more effective. Participant 7, a lecturer in International Law, submitted that:

> "National courts should not wait for the ICC in every case. Domestic systems must prosecute where they are able and willing."

Participant 8, a political analyst, added that:

> "The ICC cannot prosecute everyone. It should focus on senior perpetrators while encouraging national courts to handle other offenders."

The Court cannot investigate and prosecute every person accused of international crimes. Effective complementarity would allow national courts to prosecute some perpetrators, while the ICC focuses on those who bear the greatest responsibility. Ambos (2021) explains that complementarity is central to the ICC system because national courts have the primary duty to prosecute international crimes. Dancy and Montal (2021) also argue that domestic accountability can strengthen international justice when national institutions are willing and able to act. Therefore, participants viewed stronger domestic prosecution as a way of reducing overdependence on the ICC.

Although participants agreed on the need for reform, some expressed doubt about whether these measures can be implemented easily. Participant 9, a political analyst, argued that:

> "Calling for stronger cooperation is easy, but powerful states cooperate selectively when their interests or allies are affected."

Participant 10, a civil society practitioner, gave a similar view and stated that:

> "The ICC may request support, but politics still decides whether states will arrest suspects or release important evidence."

These opposing views show that improving cooperation is difficult because the ICC operates in a political international system. States may support the Court when prosecutions target rivals,

but resist when investigations touch their own leaders, allies or strategic interests. This view reflects realism, which argues that states prioritise power, sovereignty and national interest. Nouwen (2020) argues that international criminal justice is affected by unequal power relations and selective cooperation.

Hillebrecht (2021) also notes that states may comply with international obligations where compliance is politically manageable, but resist when accountability threatens important interests. Therefore, stronger cooperation is necessary, but it cannot be assumed.For example, despite ICC arrest warrants against former Sudanese President Omar al-Bashir, several states failed to arrest him during official visits, reflecting how political considerations can override legal obligations (International Criminal Court, 2024; Schabas, 2020). Similarly, concerns over political stability and regional solidarity have influenced inconsistent cooperation by some states in enforcing ICC decisions, particularly in politically sensitive cases (Kersten, 2021).

Participant 11, a legal practitioner, raised an opposing view on complementarity. The participant noted that:

> "Domestic prosecution is important, but some national courts are weak, politicised or afraid to prosecute powerful people fairly."

This view shows that complementarity may not always improve prosecution where domestic courts lack independence, capacity or political freedom. Some national systems may be unwilling to prosecute senior officials, military commanders or politically connected suspects. Others may lack resources, witness protection systems or specialised knowledge of international crimes. Stahn (2020) argues that complementarity must be understood carefully because domestic courts may either strengthen accountability or be used to shield accused persons from genuine prosecution. The participant's view therefore suggests that complementarity should be supported by legal reform, judicial independence and international technical assistance.

Participant 12, a postgraduate International Relations student, raised concern about the ICC's

image and accusations of selectivity. The participant stated that:

> "The Court must show fairness. If people believe it targets weaker states only, they may not trust its prosecutions."

This response shows that improving prosecution is also connected to legitimacy. If the ICC is seen as selective or politically influenced, states and affected communities may question its fairness. Mills and Bloomfield (2022) argue that the legitimacy of international criminal institutions depends on whether their actions are perceived as impartial and consistent. Clark (2021) also notes that although the ICC has contributed to accountability norms, criticism of selectivity continues to affect its standing. Therefore, reducing perceptions of selective justice is necessary if the Court is to strengthen confidence in its prosecution efforts.

For example, the ICC's focus on situations in African states, particularly early prosecutions involving Sudan and the Democratic Republic of Congo, has been widely debated and at times criticised as selective enforcement, even though these cases were legally grounded in referrals and jurisdictional requirements (Schabas, 2020; Kersten, 2021). Similarly, differing levels of state cooperation in executing arrest warrants, such as in the case of Omar al-Bashir, have contributed to perceptions that justice is unevenly applied depending on political interests (International Criminal Court, 2024). Therefore, reducing perceptions of selective justice is necessary if the Court is to strengthen confidence in its prosecution efforts.

The discoveries show that participants identified several measures for improving the prosecution of alleged international criminals by the ICC. The most repeated measure was stronger state cooperation, especially in arresting suspects, surrendering accused persons, sharing evidence and protecting witnesses. This finding is consistent with Kersten (2021), who argues that the ICC's greatest weakness is its dependence on states for enforcement. Schabas (2020) also states that the Court's legal

authority becomes difficult to realise where states do not support its decisions. Therefore, strengthening cooperation is not a decorative reform; it is central to making ICC prosecution effective.

Improved investigative capacity also emerged as a major measure. Participants argued that investigations must be faster, more technologically advanced and more connected to affected communities. This is important because international criminal cases often involve destroyed evidence, displaced witnesses and hidden command structures. Freeman and Vazquez Llorente (2021) argue that digital evidence has become important in international criminal investigations, but it must be properly verified and preserved. Cryer, Robinson and Vasiliev (2020) also explain that prosecutors must prove individual criminal responsibility, which requires careful evidence linking the accused person to the crime. Improved investigations would therefore help the ICC build stronger cases and reduce the chances of failed prosecutions.

The discoveries also show that victim and witness protection must be strengthened. Participants recognised that witnesses may fear retaliation and victims may carry trauma from the crimes they experienced. Without protection, witnesses may withdraw, refuse to testify or provide incomplete evidence. Bantekas and Nash (2021) note that international criminal cases often face witness intimidation and security challenges. De Hoon (2021) also argues that victims should be recognised as rights-holders whose dignity and participation matter in the justice process. Strong protection systems would therefore improve both the quality of evidence and the human meaning of prosecution.

Complementarity was also identified as an important measure. Participants argued that national courts should prosecute where they are genuinely able and willing, while the ICC should focus on those most responsible for serious crimes. This finding is consistent with Ambos (2021), who explains that complementarity was designed to balance state sovereignty with international accountability. Dancy and Montal (2021) also show that domestic accountability can strengthen the wider fight against impunity. However, the opposing views

rightly warn that complementarity may fail where domestic courts are weak, politicised or unwilling to prosecute powerful suspects. Therefore, complementarity must be supported by domestic legal reform, judicial independence and technical assistance.

The discoveries further suggest that the ICC must address concerns about selectivity and legitimacy. Participants were concerned that the Court may lose trust if it is perceived as targeting weaker states while powerful actors remain protected. This concern is supported by Nouwen (2020), who argues that international criminal justice operates in an unequal international system. Mills and Bloomfield (2022) also state that legitimacy is necessary for international criminal institutions because states, victims and communities must believe that justice is being pursued fairly. Therefore, improving prosecution requires consistency, transparency and balanced case selection.

4.6 Chapter Summary

This chapter presented and discussed findings on the efforts of the International Criminal Court in prosecuting alleged international criminals. The findings showed that the ICC uses formal prosecution mechanisms such as jurisdictional assessment, investigations, arrest warrants, confirmation of charges, trials, appeals, victim participation and reparations. It emerged from the states that investigations are central because they help the Court gather evidence, identify suspects and link crimes to individual responsibility. Nobably the study study reveals that these mechanisms are weakened where suspects are not arrested, witnesses are not protected, or evidence is difficult to access. State cooperation emerged as the strongest factor affecting prosecution, since the ICC depends on states for arrests, surrender of suspects, evidence sharing and enforcement. The study also established that ICC prosecution can be improved through stronger cooperation between states and study with the ICC, better investigations, witness protection, effective complementarity, adequate funding and fair case selection. Overall, the ICC remains important, but its effectiveness is constrained by politics and enforcement gaps.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter presents a summary of the findings, draws conclusions based on the research objectives and provides recommendation arising from the analysis.

5.1 Summary of the Study

5.1.1 Chapter 1

The introductory chapter presented the area of study by focusing on the efforts of the International Criminal Court in prosecuting alleged international criminals accused of genocide, crimes against humanity, war crimes and the crime of aggression. The chapter established that the ICC was created to address impunity where national courts are unwilling or unable to prosecute serious international crimes. However, the central concern was that the Court's legal mandate has not always translated into effective prosecution because of delayed proceedings, non-cooperation by states, outstanding arrest warrants, limited enforcement powers and accusations of selective justice. The study was therefore guided by the aim of examining the efforts of the ICC in prosecuting alleged international criminals. Its objectives were to identify the prosecution mechanisms used by the ICC, assess the contribution of ICC investigations, examine the extent to which state cooperation affects prosecution, and establish measures that can improve prosecution. The research questions followed these objectives and focused on how the ICC prosecutes, how investigations assist prosecution, how state cooperation affects prosecution, and what can be done to strengthen the Court's prosecutorial effectiveness.

5.1.2 Chapter 2

The literature review chapter examined scholarly and legal debates on the ICC, international criminal justice and the prosecution of alleged international criminals. The review was guided by Realism and Liberalism as the main theories. Realism explained the political limits of ICC prosecution, especially the influence of sovereignty, national interest, power politics and selective cooperation. Liberalism explained the relevance of international institutions, legal cooperation, human rights and rules-based accountability in fighting impunity. Key scholars such as Schabas (2020), Stahn (2020), Nouwen (2020), Cryer, Robinson and Vasiliev (2020), Ambos (2021) and Kersten (2021) were used to explain the Court's legal mandate, prosecution process, complementarity, enforcement challenges and dependence on state cooperation. The chapter also reviewed case experiences such as Yugoslavia, Liberia, Sudan and the Democratic Republic of Congo, showing that international criminal prosecution can hold powerful individuals accountable, but that it remains affected by delays, political resistance, weak enforcement and inconsistent cooperation from states.

5.1.3 Chapter 3

The methodology chapter explained the research process followed in the study. The study adopted a qualitative research philosophy because the subject required interpretation of legal, political and institutional issues rather than statistical measurement. A qualitative research approach was also used because the study focused on understanding the ICC's prosecution mechanisms, investigations, cooperation challenges and possible improvement measures through detailed views and document-based evidence. The population consisted of individuals with knowledge of international relations, international law, human rights, diplomacy and global justice. From a target population of twenty, twelve participants were purposively selected, including university lecturers, legal practitioners, human rights officers, political analysts, civil society practitioners and postgraduate International Relations students. Semi-structured interviews and document analysis were used as data gathering tools. Trustworthiness was maintained through credibility, dependability, confirmability and

transferability, while ethical issues such as informed consent, confidentiality, transparency and responsible use of information were observed throughout the research process.

5.1.4 Chapter 4

The outcomes chapter presented and discussed the major themes that emerged from the interviews and document analysis. The findings showed that the ICC uses formal prosecution mechanisms such as jurisdictional assessment, investigations, arrest warrants, summons, confirmation of charges, trial proceedings, appeals, victim participation and reparations. Participants agreed that investigations contribute to prosecution by helping the Court gather evidence, identify suspects, establish patterns of violence and link alleged crimes to individual responsibility. However, the findings also showed that investigations may be weakened by lack of access to crime scenes, witness intimidation, destroyed records and political interference. State cooperation emerged as the strongest factor affecting prosecution because the ICC depends on states for arrests, surrender of suspects, evidence sharing, witness protection and enforcement. The chapter also found that ICC prosecution can be improved through stronger state cooperation, better investigative capacity, improved witness protection, effective complementarity, adequate funding and fair case selection. Overall, the findings showed that the ICC is important in fighting impunity, but its effectiveness remains limited by enforcement gaps and political realities.

5.2 Conclusions

5.2.1 Prosecution Mechanisms Used by the International Criminal Court

The study concluded that the International Criminal Court uses recognised legal mechanisms such as jurisdictional assessment, investigations, arrest warrants, summons, confirmation of charges, trials, appeals, victim participation and reparations when handling cases involving alleged international criminals.

The research concluded that these prosecution mechanisms are legally sound, but their

practical effect is weakened when arrest warrants are not enforced, suspects are not surrendered, and states fail to support the Court's work.

5.2.2 Contribution of ICC Investigations to Prosecution

The study concluded that ICC investigations are central to prosecution because they help the Court gather evidence, identify suspects, trace command structures, record victim experiences and connect alleged crimes to individual responsibility.

The research concluded that investigations may fail to produce strong prosecution outcomes when evidence is destroyed, witnesses are intimidated, crime scenes are inaccessible, or political actors interfere with the investigative process.

5.2.3 Effect of State Cooperation on ICC Prosecution

The study concluded that state cooperation is one of the strongest factors affecting ICC prosecution because the Court depends on states for arrests, surrender of accused persons, evidence sharing, witness protection and enforcement.

The research concluded that selective cooperation weakens ICC prosecution, especially where states protect their leaders, allies or strategic interests instead of fulfilling their responsibility to support international criminal justice.

5.2.4 Measures to Improve ICC Prosecution

The study concluded that ICC prosecution can be improved through stronger state cooperation, better enforcement of arrest warrants, improved investigations, stronger witness protection, adequate funding and effective complementarity with national courts.

The research concluded that the ICC must also improve trust in its work by reducing perceptions of selective justice, strengthening fairness in case selection and engaging more meaningfully with victims and affected communities.

5.3 Recommendations

5.4.1 Prosecution Mechanisms Used by the International Criminal Court

The study recommends that the International Criminal Court should strengthen the practical enforcement of its prosecution mechanisms by working more closely with states, regional bodies and international justice partners to ensure that arrest warrants, summons and trial processes do not remain only legal procedures on paper.

5.4.2 Contribution of ICC Investigations to Prosecution

The study recommends that the International Criminal Court should improve the speed and quality of investigations by investing in digital evidence systems, forensic capacity, witness tracing, field-based evidence collection and secure preservation of information from conflict-affected areas.

5.4.3 Effect of State Cooperation on ICC Prosecution

The study recommends that states should fulfil their cooperation obligations by arresting and surrendering suspects, protecting witnesses, sharing evidence and avoiding selective political responses that weaken the prosecution of alleged international criminals.

5.4.4 Measures to Improve ICC Prosecution

The study recommends that the ICC should improve prosecution outcomes through stronger complementarity with national courts, better witness and victim protection, adequate funding, fair case selection and more transparent engagement with affected communities.

5.4 Area for Further Study

Future researchers may study the effectiveness of national courts in prosecuting international crimes under the principle of complementarity, especially in states where domestic justice systems face political pressure, weak resources or limited independence. Researchers could also explore how political will influences state cooperation with the ICC, especially in relation to arresting and surrendering suspects, protecting witnesses, and

providing evidence during investigations and prosecutions. Comparing experiences from different countries and regions could provide a better understanding of the factors that promote or undermine cooperation with the Court.

Another area that deserves further attention is the role of regional organisations, particularly the African Union, in supporting accountability for international crimes and shaping member states' cooperation with the ICC. Future studies could also investigate possible reforms to the ICC, including measures to strengthen its relationship with states, improve its efficiency, and enhance its ability to deliver justice for victims of the most serious international crimes.

5.5 Chapter Summary

This chapter presented the summary, conclusions and recommendations of the study on the efforts of the International Criminal Court in prosecuting alleged international criminals. The chapter summarised the study by outlining the focus of each main section, including the background, literature, methodology and findings.

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APPENDIX

Appendix 1: Interview Guide

BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF SOCIAL SCIENCES AND HUMANITIES

EXAMINING THE EFFORTS OF THE INTERNATIONAL CRIMINAL COURT IN PROSECUTING ALLEGED INTERNATIONAL CRIMINALS

Student: Shingai Mandoza (B251708A)

Purpose of the instruments: The following instruments are designed to collect qualitative data on the prosecution mechanisms used by the ICC, the contribution of investigations, the effect of state cooperation, and measures that can improve the prosecution of alleged international criminals. Participants will not be required to disclose sensitive personal information, and all responses will be treated confidentially and used only for academic purposes.

Target participants: University lecturers, legal practitioners, human rights officers, political analysts, civil society practitioners and postgraduate International Relations students with knowledge of international criminal justice, human rights, diplomacy, global governance and ICC-related debates.

A. In-Depth Interview Guide

Interview approach: The interview will be semi-structured. The researcher may ask follow-up questions where clarification is needed, but the discussion will remain aligned with the study objectives and research questions.

Opening statement: Thank you for agreeing to participate. This interview seeks your views on how the ICC prosecutes alleged international criminals, how investigations assist prosecution, how state cooperation affects prosecution, and what can be done to improve ICC prosecution efforts. Your responses will be kept confidential.

Section A: Background Information

1. What is your general understanding of the role of the International Criminal Court in prosecuting alleged international criminals?

2. How would you describe your level of awareness of ICC prosecution processes?

3. In your view, why is prosecution of genocide, war crimes, crimes against humanity and aggression important in international relations?

4. What general challenges do you think affect the ICC when prosecuting alleged international criminals?

Objective 1: To identify the prosecution mechanisms used by the International Criminal Court in handling cases involving alleged international criminals

1. What prosecution mechanisms do you understand the ICC to use when handling cases involving alleged international criminals?

2. How important are processes such as jurisdictional assessment, investigations, arrest warrants, summons, confirmation of charges and trials in ICC prosecution?

3. In your view, do these mechanisms make the ICC effective in prosecuting alleged international criminals? Please explain.

4. What weaknesses do you observe in the way ICC prosecution mechanisms operate in practice?

Objective 2: To assess the contribution of ICC investigations to the prosecution of alleged international criminals

1. How do ICC investigations contribute to the prosecution of alleged international criminals?

2. How do investigations assist the Court in identifying suspects, witnesses, crime patterns and command structures?

3. What challenges affect ICC investigations in conflict zones or politically sensitive environments?

4. How can the ICC improve evidence collection, witness engagement and use of digital or documentary evidence?

Objective 3: To examine the extent to which state cooperation affects the prosecution of alleged international criminals by the ICC

1. How does state cooperation affect the ICC's ability to prosecute alleged international criminals?

2. What happens to ICC cases when states refuse to arrest, surrender or assist in the investigation of suspects?

3. Why do some states cooperate with the ICC while others delay, resist or cooperate selectively?

4. How does non-cooperation affect victims, witnesses, trial progress and public confidence in the ICC?

Objective 4: To establish measures that can improve the prosecution of alleged international criminals by the ICC

1. What measures can improve the prosecution of alleged international criminals by the ICC?

2. How can enforcement of arrest warrants be strengthened?

3. How can witness protection, victim participation and evidence preservation be improved?

4. How can complementarity between the ICC and national courts be strengthened to reduce impunity?

Closing question: Is there anything else you would like to add on the efforts of the ICC in prosecuting alleged international criminals?

B. Key Informant Interview Guide

Targeted key informants: Legal experts, international law lecturers, senior human rights practitioners, policy analysts, civil society leaders, diplomacy specialists, governance experts and other persons with specialised knowledge of international criminal justice and ICC processes.

Interview approach: This guide seeks expert opinion on the legal, political, institutional and operational factors affecting ICC prosecution. The interviewer may probe for examples from ICC cases, international relations practice, state cooperation and prosecution outcomes.

Opening statement: This interview seeks expert insight into the efforts of the ICC in prosecuting alleged international criminals. The discussion will focus on prosecution mechanisms, investigations, state cooperation and practical measures that may improve prosecution. Your contribution will be treated confidentially and used only for academic purposes.

Section A: Professional Background

1. What is your professional or academic background in relation to international criminal justice, human rights, diplomacy or international law?

2. How familiar are you with the prosecution mandate and procedures of the International Criminal Court?

3. Have you engaged with issues relating to international crimes, transitional justice, human rights advocacy or global accountability?

4. From your professional view, what are the main issues currently affecting the ICC's prosecution role?

Objective 1: Prosecution mechanisms used by the ICC

1. From an expert perspective, what are the main prosecution mechanisms used by the ICC when dealing with alleged international criminals?

2. How effective are ICC mechanisms such as arrest warrants, confirmation of charges, trials, appeals and victim participation?

3. To what extent do these mechanisms balance accountability with fair trial rights?

4. What legal or institutional weaknesses affect the practical operation of ICC prosecution mechanisms?

Objective 2: Contribution of ICC investigations to prosecution

1. How do ICC investigations strengthen or weaken prosecution outcomes?

2. What challenges does the ICC face in gathering evidence from conflict zones, fragile states or politically sensitive environments?

3. How do evidentiary weaknesses affect confirmation of charges, trial strategy and final case outcomes?

4. What role should digital evidence, forensic material, civil society documentation and witness testimony play in ICC investigations?

Objective 3: Effect of state cooperation on ICC prosecution

1. How does state cooperation affect the ICC's ability to investigate, arrest and prosecute alleged international criminals?

2. What legal, political or diplomatic factors explain selective cooperation or resistance by states?

3. How does non-cooperation affect the legitimacy, timeliness and success of ICC prosecutions?

4. How can cooperation between the ICC, states, regional bodies and other international actors be strengthened?

Objective 4: Measures to improve ICC prosecution

1. What reforms are needed to improve the ICC's prosecution of alleged international criminals?

2. How can arrest warrant enforcement be made more reliable in practice?

3. What institutional improvements are needed in witness protection, victim participation, funding and field investigations?

4. How can the ICC reduce perceptions of selective justice and strengthen public trust in its prosecution work?

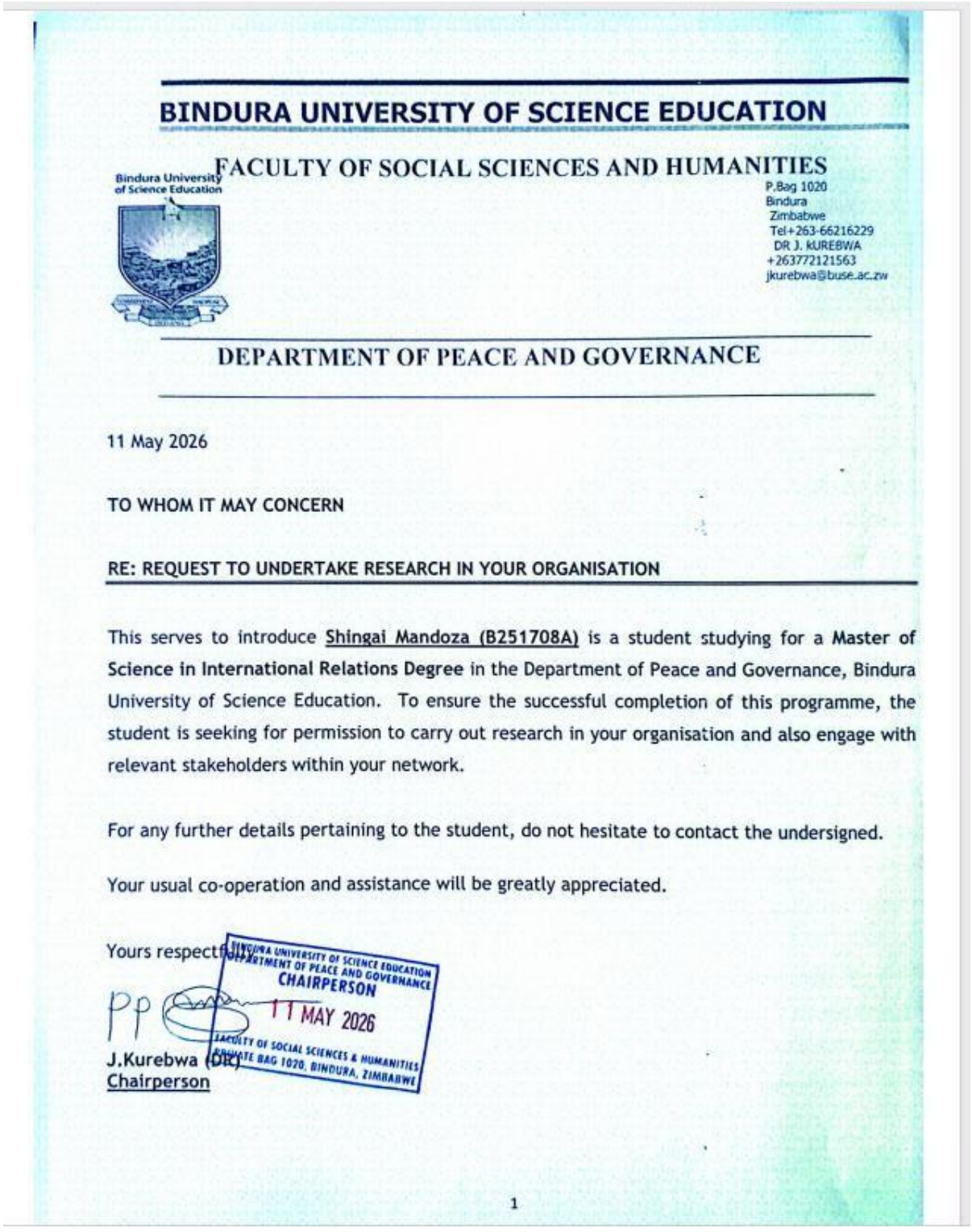
Closing question: From your expert view, what single reform would most improve the ICC's prosecution effectiveness?

C. Interviewer Checklist for Both Guides

Item	Yes/No	Notes
Participant understood the purpose of the study		
Consent was obtained before the interview proceeded		
Confidentiality was explained		
Participant category was recorded without naming the participant		
Responses were aligned to prosecution mechanisms		
Responses were aligned to ICC investigations		
Responses were aligned to state cooperation		
Responses were aligned to improvement measures		
Same views and opposing views were noted for thematic analysis		

Follow-up questions were asked where clarification was needed		

Appendix 2: Department Permission Letter



BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF SOCIAL SCIENCES AND HUMANITIES

Bindura University of Science Education

P.Bag 1020
Bindura
Zimbabwe
Tel+263-66216229
DR J. KUREBWA
+263772121563
jkurebwa@buse.ac.zw

DEPARTMENT OF PEACE AND GOVERNANCE

11 May 2026

TO WHOM IT MAY CONCERN

RE: REQUEST TO UNDERTAKE RESEARCH IN YOUR ORGANISATION

This serves to introduce **Shingai Mandoza (B251708A)** is a student studying for a **Master of Science in International Relations Degree** in the Department of Peace and Governance, Bindura University of Science Education. To ensure the successful completion of this programme, the student is seeking for permission to carry out research in your organisation and also engage with relevant stakeholders within your network.

For any further details pertaining to the student, do not hesitate to contact the undersigned.

Your usual co-operation and assistance will be greatly appreciated.

Yours respectfully,

BINDURA UNIVERSITY OF SCIENCE EDUCATION
DEPARTMENT OF PEACE AND GOVERNANCE
CHAIRPERSON
11 MAY 2026
FACULTY OF SOCIAL SCIENCES & HUMANITIES
PRIVATE BAG 1020, BINDURA, ZIMBABWE

Pp

J.Kurebwa (Dr)
Chairperson

1

Appendix 3: Permission Letter

Telephone: +263 242 796441; +263
242 730055/9

ZIMBABWE

MINISTRY OF HIGHER AND
TERTIARY EDUCATION,
INNOVATION, SCIENCE AND
TECHNOLOGY
DEVELOPMENT
6th Floor, Block F, New
Government Complex
Cnr. Samora Machel Avenue &
Fourth Street, Harare

24 April 2026

Shingai Mandoza (B251708A)

Bindura University of Science Education

REF: LETTER OF APPROVAL TO CONDUCT A RESEARCH STUDY TITLED "EXAMINING THE EFFORTS OF THE INTERNATIONAL CRIMINAL COURT IN PROSECUTING ALLEGED INTERNATIONAL CRIMINALS"

Receipt of your letter with the above-mentioned matter is acknowledged.

Please be advised that permission is hereby granted for you to carry out research titled "EXAMINING THE EFFORTS OF THE INTERNATIONAL CRIMINAL COURT IN PROSECUTING ALLEGED INTERNATIONAL CRIMINALS"

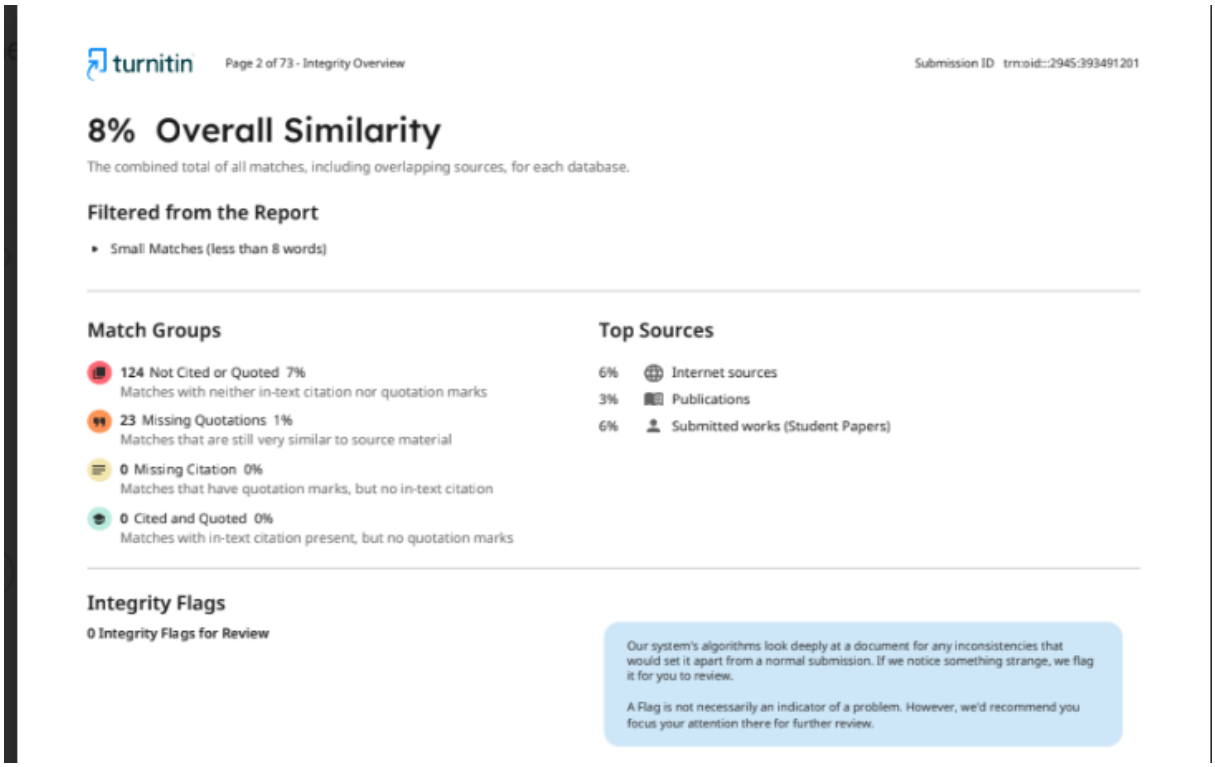
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Appendix4 : AI Report



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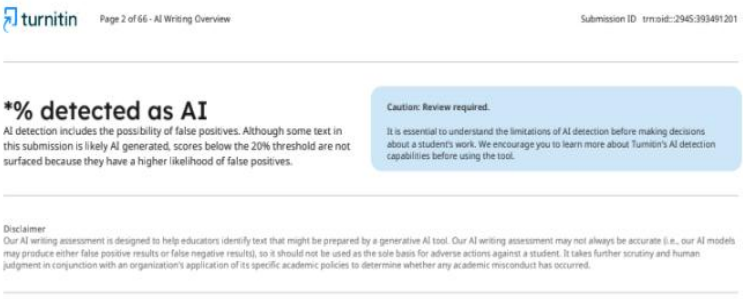
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